

**CHAPTER 215****STATE AND LOCAL GOVERNMENT  
FINANCIAL AND REGULATORY MATTERS —  
APPROPRIATIONS AND MISCELLANEOUS CHANGES***S.F. 601*

**AN ACT** relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

**DIVISION I  
MH/MR/DD/BI SERVICES ALLOWED  
GROWTH FUNDING — FY 2008-2009**

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES, AND BRAIN INJURY ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2008-2009.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2008, and ending June 30, 2009, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2008-2009, and for the brain injury services program in the department of public health:

..... \$ 64,600,002

2. The amount appropriated in this section shall be allocated as provided in a later enactment of the general assembly.

**DIVISION II  
STANDING APPROPRIATIONS  
AND RELATED MATTERS**

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2008-2009.

1. For the budget process applicable to the fiscal year beginning July 1, 2008, on or before October 1, 2007, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph “a”, all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 3. GENERAL ASSEMBLY — BUILDING SECURITY. Of the appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2007, and ending June 30, 2008, \$775,000 shall be used for capitol building and judicial building security.

Sec. 4. LIMITATION OF STANDING APPROPRIATIONS. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For instructional support state aid under section 257.20:	
.....	\$ 14,428,271
2. For payment for nonpublic school transportation under section 285.2:	
.....	\$ 8,604,714
If total approved claims for reimbursement for nonpublic school pupil transportation claims exceed the amount appropriated in this section, the department of education shall prorate the amount of each claim.	
3. For the educational excellence program under section 294A.25, subsection 1:	
.....	\$ 55,469,053
4. For the state's share of the cost of the peace officers' retirement benefits under section 411.20:	
.....	\$ 2,745,784

Sec. 5. PROPERTY TAX CREDIT FUND — PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT.

1. a. Notwithstanding section 8.57, prior to the appropriation and distribution to the senior living trust fund and the cash reserve fund of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2006, and ending June 30, 2007, pursuant to section 8.57, subsections 1 and 2, of that surplus, \$131,868,964 is appropriated to the property tax credit fund which shall be created in the office of the treasurer of state to be used for the purposes of this section.

b. Notwithstanding any provision in section 8.57 to the contrary in determining the amount of the appropriation to the senior living trust fund pursuant to section 8.57, subsection 2, paragraph "a", the surplus for the fiscal year beginning July 1, 2006, shall not include the amount appropriated to the property tax credit fund pursuant to paragraph "a" of this subsection.

c. There is appropriated from the general fund of the state to the property tax credit fund created in paragraph "a" for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of \$28,000,000.

2. Notwithstanding the amount of the standing appropriation from the general fund of the state in the following designated sections and notwithstanding any conflicting provisions or voting requirements of section 8.56, there is appropriated from the property tax credit fund in lieu of the appropriations in the following designated sections for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amounts for the following designated purposes:

a. For reimbursement for the homestead property tax credit under section 425.1:	
.....	\$ 99,254,781
b. For reimbursement for the agricultural land and family farm tax credits under sections 425A.1 and 426.1:	
.....	\$ 34,610,183
c. For reimbursement for the military service tax credit under section 426A.1A:	
.....	\$ 2,800,000
d. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.40:	
.....	\$ 23,204,000

If the director of revenue determines that the amount of claims for credit for property taxes due pursuant to paragraphs "a", "b", "c", and "d" plus the amount of claims for reimbursement for rent constituting property taxes paid which are to be paid during the fiscal year may exceed the total amount appropriated, the director shall estimate the percentage of the credits and reimbursements which will be funded by the appropriation. The county treasurer shall notify

the director of the amount of property tax credits claimed by June 8, 2007. The director shall estimate the percentage of the property tax credits and rent reimbursement claims that will be funded by the appropriation and notify the county treasurer of the percentage estimate by June 15, 2007. The estimated percentage shall be used in computing for each claim the amount of property tax credit and reimbursement for rent constituting property taxes paid for that fiscal year. If the director overestimates the percentage of funding, claims for reimbursement for rent constituting property taxes paid shall be paid until they can no longer be paid at the estimated percentage of funding. Rent reimbursement claims filed after that point in time shall receive priority and shall be paid in the following fiscal year.

3. Notwithstanding any other provision, if the Eighty-second General Assembly, 2007 Session, enacts legislation that also provides for the appropriation of the surplus or any part of the surplus existing in the general fund of the state at the conclusion of the fiscal year beginning July 1, 2006, and ending June 30, 2007, the moneys appropriated from such surplus pursuant to subsection 1 shall have priority over all other such appropriations.

Sec. 6. UNDERGROUND STORAGE TANK FUND. Notwithstanding section 455G.3, subsection 1, there is transferred from the Iowa comprehensive petroleum underground storage tank fund created in section 455G.3, subsection 1, to the general fund of the state during the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount:

..... \$ 3,000,000

Sec. 7. CASH RESERVE APPROPRIATION FOR FY 2007-2008. For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the appropriation to the cash reserve fund provided in section 8.57, subsection 1, paragraph "a", shall not be made.

Sec. 8. Section 8.57A, subsection 4, Code 2007, is amended to read as follows:

4. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, ~~2000~~ 2007, and for each fiscal year thereafter, the sum of ~~thirty-five~~ forty million dollars to the environment first fund, notwithstanding section 8.57, subsection 6, paragraph "c".

Sec. 9. Section 257.35, subsection 4, Code 2007, is amended to read as follows:

4. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, ~~2006~~ 2007, shall be reduced by the department of management by ~~eight~~ five million ~~two hundred fifty thousand~~ dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

Sec. 10. AREA EDUCATION AGENCY PAYMENTS. It is the intent of the general assembly that for the fiscal year beginning July 1, 2008, any reduction in state aid to area education agencies and the combined district cost calculated for those agencies over the reduction applicable pursuant to section 257.35, subsection 2, shall not exceed \$2.5 million and that for the fiscal year beginning July 1, 2009, there shall be no such additional reduction.

Sec. 11. EFFECTIVE DATE. The section of this division of this Act creating the property tax credit fund, being deemed of immediate importance, takes effect upon enactment.

### DIVISION III SALARIES, COMPENSATION, AND RELATED MATTERS

Sec. 12. STATE COURTS — JUSTICES, JUDGES, AND MAGISTRATES.

1. The salary rates specified in subsection 2 are for the fiscal year beginning July 1, 2007, effective for the pay period beginning June 29, 2007, and for subsequent fiscal years until otherwise provided by the general assembly. The salaries provided for in this section shall be paid

from funds appropriated to the judicial branch from the salary adjustment fund or if the appropriation is not sufficient, from funds appropriated to the judicial branch pursuant to any Act of the general assembly.

2. The following annual salary rates shall be paid to the persons holding the judicial positions indicated during the fiscal year beginning July 1, 2007, effective with the pay period beginning June 29, 2007, and for subsequent pay periods.

a. Chief justice of the supreme court:	\$	153,109
b. Each justice of the supreme court:	\$	146,890
c. Chief judge of the court of appeals:	\$	141,731
d. Each associate judge of the court of appeals:	\$	136,739
e. Each chief judge of a judicial district:	\$	133,619
f. Each district judge except the chief judge of a judicial district:	\$	128,544
g. Each district associate judge:	\$	113,214
h. Each associate juvenile judge:	\$	113,214
i. Each associate probate judge:	\$	113,214
j. Each judicial magistrate:	\$	34,882
k. Each senior judge:	\$	7,238

3. Persons receiving the salary rates established under this section shall not receive any additional salary adjustments provided by this division of this Act.

Sec. 13. APPOINTED STATE OFFICERS. The governor shall establish a salary for appointed nonelected persons in the executive branch of state government holding a position enumerated in the section of this division of this Act that addresses the salary ranges of state officers within the range provided, by considering, among other items, the experience of the individual in the position, changes in the duties of the position, the incumbent's performance of assigned duties, and subordinates' salaries. However, the attorney general shall establish the salary for the consumer advocate, the chief justice of the supreme court shall establish the salary for the state court administrator, the ethics and campaign disclosure board shall establish the salary of the executive director, the Iowa public broadcasting board shall establish the salary of the administrator of the public broadcasting division of the department of education, and the state fair board shall establish the salary of the secretary of the state fair board, each within the salary range provided in the section of this division of this Act that addresses the salary ranges of state officers.

The governor, in establishing salaries as provided in the section of this division of this Act that addresses the salary ranges of state officers, shall take into consideration other employee benefits which may be provided for an individual including but not limited to housing.

A person whose salary is established pursuant to the section of this division of this Act that addresses the salary ranges of state officers and who is a full-time, year-round employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law. However, this provision does not exclude the reimbursement for necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

Sec. 14. STATE OFFICERS — SALARY RANGE. The following annual salary ranges are effective for the positions specified in this section for the fiscal year beginning July 1, 2007, and for subsequent fiscal years until otherwise provided by the general assembly. The governor or other person designated in the section of this division of this Act relating to appointed state officers shall determine the salary to be paid to the person indicated at a rate within this salary range from funds appropriated by the general assembly for that purpose.

1. The following are salary ranges for appointed state officers for the fiscal year beginning July 1, 2007, effective with the pay period beginning June 29, 2007:

SALARY RANGE	<u>Minimum</u>	<u>Maximum</u>
a. Range 1 .....	\$ 9,069	\$ 35,464
b. Range 2 .....	\$46,758	\$ 71,552
c. Range 3 .....	\$53,768	\$ 82,285
d. Range 4 .....	\$61,838	\$ 94,619
e. Range 5 .....	\$71,115	\$108,805
f. Range 6 .....	\$81,786	\$125,133
g. Range 7 .....	\$97,906	\$149,802

2. The following are range 1 positions: there are no range 1 positions for the fiscal year beginning July 1, 2007.

3. The following are range 2 positions: administrator of the arts division of the department of cultural affairs, administrators of the division of persons with disabilities, the division on the status of women, the division on the status of Iowans of Asian and Pacific Islander heritage, the division on the status of African-Americans, the division of deaf services, and the division of Latino affairs of the department of human rights.

4. The following are range 3 positions: administrator of the division of criminal and juvenile justice planning of the department of human rights, administrator of the division of community action agencies of the department of human rights, executive director of the department of veterans affairs, and chairperson and members of the employment appeal board of the department of inspections and appeals.

5. The following are range 4 positions: director of the department of human rights, director of the Iowa state civil rights commission, executive director of the college student aid commission, director of the department for the blind, executive director of the ethics and campaign disclosure board, members of the public employment relations board, and chairperson, vice chairperson, and members of the board of parole.

6. The following are range 5 positions: administrator of the division of homeland security and emergency management of the department of public defense, state public defender, drug policy coordinator, labor commissioner, workers' compensation commissioner, director of the department of cultural affairs, director of the department of elder affairs, director of the law enforcement academy, and administrator of the historical division of the department of cultural affairs.

7. The following are range 6 positions: director of the Iowa energy independence office, superintendent of banking, superintendent of credit unions, administrator of the alcoholic beverages division of the department of commerce, director of the department of inspections and appeals, commandant of the Iowa veterans home, commissioner of public safety, commissioner of insurance, executive director of the Iowa finance authority, director of the department of natural resources, consumer advocate, and chairperson of the utilities board. The other members of the utilities board shall receive an annual salary within a range of not less than 90 percent but not more than 95 percent of the annual salary of the chairperson of the utilities board.

8. The following are range 7 positions: administrator of the public broadcasting division of the department of education, director of the department of corrections, director of the department of education, director of human services, director of the department of economic development, executive director of the Iowa telecommunications and technology commission, executive director of the state board of regents, director of transportation, director of the department of workforce development, director of revenue, director of public health, state court

administrator, secretary of the Iowa state fair board, director of the department of management, and director of the department of administrative services.

Sec. 15. COLLECTIVE BARGAINING AGREEMENTS FUNDED — GENERAL FUND. There is appropriated from the general fund of the state to the salary adjustment fund for distribution by the department of management to the various state departments, boards, commissions, councils, and agencies, including the state board of regents and the judicial branch, for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the amount of \$106,848,094, or so much thereof as may be necessary, to fully fund annual pay adjustments, expense reimbursements, and related benefits implemented pursuant to the following:

1. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the blue collar bargaining unit.
2. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the public safety bargaining unit.
3. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the security bargaining unit.
4. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the technical bargaining unit.
5. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional fiscal and staff bargaining unit.
6. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the clerical bargaining unit.
7. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the professional social services bargaining unit.
8. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the community-based corrections bargaining unit.
9. The collective bargaining agreements negotiated pursuant to chapter 20 for employees in the judicial branch of government bargaining units.
10. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the patient care bargaining unit.
11. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the science bargaining unit.
12. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the university of northern Iowa faculty bargaining unit.
13. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa graduate student bargaining unit.
14. The collective bargaining agreement negotiated pursuant to chapter 20 for employees in the state university of Iowa hospital and clinics tertiary health care bargaining unit.
15. The annual pay adjustments, related benefits, and expense reimbursements referred to in the sections of this division of this Act addressing noncontract state and board of regents employees who are not covered by a collective bargaining agreement.

Of the amount appropriated in this section, \$6,771,248 shall be allocated to the judicial branch for the purposes of funding annual pay adjustments, expense reimbursements, and related benefits implemented for judicial branch employees.

Sec. 16. NONCONTRACT STATE EMPLOYEES — GENERAL.

1. a. For the fiscal year beginning July 1, 2007, the maximum and minimum salary levels of all pay plans provided for in section 8A.413, subsection 2, as they exist for the fiscal year ending June 30, 2007, shall be increased by 3 percent for the pay period beginning June 29, 2007, and any additional changes in the pay plans shall be approved by the governor.
- b. For the fiscal year beginning July 1, 2007, employees may receive a step increase or the equivalent of a step increase.
- c. Notwithstanding the increase in paragraph “a”, noncontract judicial branch employees

shall receive increases similar to those employees covered by collective bargaining agreements negotiated by the judicial branch.

2. The pay plans for state employees who are exempt from chapter 8A, subchapter IV, and who are included in the department of administrative service's centralized payroll system shall be increased in the same manner as provided in subsection 1, and any additional changes in any executive branch pay plans shall be approved by the governor.

3. This section does not apply to members of the general assembly, board members, commission members, salaries of persons set by the general assembly pursuant to this division of this Act or set by the governor, or other persons designated in the section of this division of this Act addressing appointed state officers, employees designated under section 8A.412, subsection 5, and employees covered by 11 IAC 53.6(3).

4. The pay plans for the bargaining eligible employees of the state shall be increased in the same manner as provided in subsection 1, and any additional changes in such executive branch pay plans shall be approved by the governor. As used in this section, "bargaining eligible employee" means an employee who is eligible to organize under chapter 20, but has not done so.

5. The policies for implementation of this section shall be approved by the governor.

Sec. 17. STATE EMPLOYEES — STATE BOARD OF REGENTS. Funds from the appropriation made from the general fund of the state in the section of this division of this Act providing for funding of collective bargaining agreements shall be allocated to the state board of regents for the purposes of providing increases for state board of regents employees covered by such section of this division of this Act and for state board of regents employees not covered by a collective bargaining agreement as follows:

1. For regents merit system employees and merit supervisory employees to fund for the fiscal year increases comparable to those provided for similar contract-covered employees in this division of this Act.

2. For faculty members and professional and scientific employees to fund for the fiscal year percentage increases comparable to those provided for contract-covered employees in the university of northern Iowa faculty bargaining unit.

Sec. 18. APPROPRIATIONS FROM ROAD FUNDS.

1. There is appropriated from the road use tax fund to the salary adjustment fund for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement other funds appropriated by the general assembly:

..... \$ 2,294,814

2. There is appropriated from the primary road fund to the salary adjustment fund, for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as may be necessary, to be used for the purpose designated:

To supplement other funds appropriated by the general assembly:

..... \$ 11,788,266

3. Except as otherwise provided in this division of this Act, the amounts appropriated in subsections 1 and 2 shall be used to fund the annual pay adjustments, expense reimbursements, and related benefits for public employees as provided in this division of this Act.

Sec. 19. SPECIAL FUNDS — AUTHORIZATION. To departmental revolving, trust, or special funds, except for the primary road fund or the road use tax fund, for which the general assembly has established an operating budget, a supplemental expenditure authorization is provided, unless otherwise provided, in an amount necessary to fund salary adjustments as otherwise provided in this division of this Act.

Sec. 20. GENERAL FUND SALARY MONEYS. Funds appropriated from the general fund of the state for distribution from the salary adjustment fund in the section of this division of this Act providing for funding of collective bargaining agreements relate only to salaries sup-

ported from general fund appropriations of the state. Funds appropriated from the general fund of the state for employees of the state board of regents relate only to salaries supported from general fund appropriations of the state and shall exclude general university indirect costs and general university federal funds.

Sec. 21. FEDERAL FUNDS APPROPRIATED. All federal grants to and the federal receipts of the agencies affected by this division of this Act which are received and may be expended for purposes of this division of this Act are appropriated for those purposes and as set forth in the federal grants or receipts.

Sec. 22. STATE TROOPER MEAL ALLOWANCE. The sworn peace officers in the department of public safety who are not covered by a collective bargaining agreement negotiated pursuant to chapter 20 shall receive the same per diem meal allowance as the sworn peace officers in the department of public safety who are covered by a collective bargaining agreement negotiated pursuant to chapter 20.

Sec. 23. STATE POLICE OFFICER COUNCIL BARGAINING UNIT — OVERTIME. Of the funds appropriated from the general fund of the state in the section of this division of this Act providing for funding of collective bargaining agreements, the following amount, or so much thereof as is necessary, shall be allocated to the department of public safety, division of state patrol, to be used for the purpose designated:

To provide for expenditures related to the payment of overtime for uniformed peace officers covered by a collective bargaining agreement:

..... \$ 400,000

Sec. 24. SALARY MODEL ADMINISTRATOR. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents. The department of revenue, the department of administrative services, the five institutions under the jurisdiction of the state board of regents, the judicial district departments of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state's salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within the annual salary adjustment legislation. A state employee organization as defined in section 20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

Sec. 25. Section 20.5, subsection 3, Code 2007, is amended to read as follows:

3. In selecting the members of the board, consideration shall be given to their knowledge, ability, and experience in the field of labor-management relations. The chairperson and the remaining two members shall each receive an annual salary as set by the general assembly be compensated as provided in section 7E.6, subsection 5.

Sec. 26. Section 99D.6, Code 2007, is amended to read as follows:

99D.6 CHAIRPERSON — ADMINISTRATOR — EMPLOYEES — DUTIES — BOND.

The commission shall elect in July of each year one of its members as chairperson for the succeeding year. The commission shall appoint an administrator of the commission subject to confirmation by the senate. The administrator shall serve a four-year term. The term shall begin and end in the same manner as set forth in section 69.19. A vacancy shall be filled for the unexpired portion of the term in the same manner as a full-term appointment is made. The administrator may hire other assistants and employees as necessary to carry out the commission's duties. Employees in the positions of equine veterinarian, canine veterinarian, and



equine steward shall be exempt from the merit system provisions of chapter 8A, subchapter IV, and shall not be covered by a collective bargaining agreement. Some or all of the information required of applicants in section 99D.8A, subsections 1 and 2, may also be required of employees of the commission if the commission deems it necessary. The administrator shall keep a record of the proceedings of the commission and preserve the books, records, and documents entrusted to the administrator's care. The administrator shall be covered by the blanket surety bond of the state purchased pursuant to section 8A.321, subsection 13. ~~Subject to the approval of the governor, the commission shall fix the compensation of the administrator within the salary range as set by the general assembly.~~ The compensation and employment terms of the administrator shall be set by the governor, taking into consideration the level of knowledge and experience of the administrator. The commission shall have its headquarters in the city of Des Moines and shall meet in July of each year and at other times and places as it finds necessary for the discharge of its duties.

Sec. 27. Section 421.1A, subsection 6, Code 2007, is amended to read as follows:

6. The members of the property assessment appeal board shall receive compensation from the state commensurate with the salary of a district judge ~~through December 31, 2013~~. The members of the board shall be considered state employees for purposes of salary and benefits. The members of the board and any employees of the board, when required to travel in the discharge of official duties, shall be paid their actual and necessary expenses incurred in the performance of duties.

*\*Sec. 28. Section 602.1301, subsection 2, paragraph b, Code 2007, is amended to read as follows:*

*b. Before December 1, the supreme court shall submit to the director of management an estimate of the total expenditure requirements of the judicial branch including a detailed listing of requested increases in salaries of all judges and magistrates for the succeeding fiscal year. The director of management shall submit this estimate received from the supreme court to the governor for inclusion without change in the governor's proposed budget for the succeeding fiscal year. The estimate shall also be submitted to the chairpersons of the committees on appropriations.\**

#### DIVISION IV OTHER APPROPRIATIONS AND RELATED MATTERS

Sec. 29. CAPITOL COMPLEX SHUTTLE. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state's share of support in conjunction with the city of Des Moines and local area businesses to provide a free shuttle service to the citizens of Iowa visiting the capitol complex that includes transportation between the capitol complex and the downtown Des Moines area:

	\$ 120,000
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Details for the shuttle service, including the route to be served, shall be determined pursuant to an agreement to be entered into by the department with the Des Moines area regional transit authority (DART) and any other participating entities.

Sec. 30. INTERPRETERS FOR THE DEAF. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

Due to the high numbers of articulation agreements between the state school for the deaf and Iowa western community college, for allocation for arrangements made between the state school for the deaf and Iowa western community college for deaf interpreters:

	\$ 200,000
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\* Item veto; see message at end of the Act

Sec. 31. COMMUNITY COLLEGE SALARIES. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to community colleges to supplement faculty salaries:

..... \$ 2,000,000

1. Moneys appropriated in this section shall be distributed among each community college based on the proportional share of that community college's total salary expenditures in the instructional and instructional part-time categories in the education functions of liberal arts and sciences and vocational-technical bears to the total salary expenditures for all community colleges in the education functions of liberal arts and sciences and vocational-technical in the fiscal year prior to the base year, as determined by the department of education.

2. Moneys distributed to each community college under this section shall then be rolled into that base funding allocation for all future years. The use of the funds shall remain as described in this section for all future years.

3. Moneys appropriated and distributed to community colleges under this section shall be used to supplement and not supplant any approved faculty salary increases or negotiated agreements, excluding the distribution of the funds in this section.

4. Moneys distributed to a community college under this section shall be allocated to all full-time, nonadministrative instructors and part-time instructors covered by a collective bargaining agreement. The moneys shall be allocated by negotiated agreements according to chapter 20. If no language exists, the moneys shall be allocated equally to all full-time, nonadministrative instructors with part-time instructors covered by a collective bargaining agreement receiving a prorated share of the fund.

Sec. 32. DEPARTMENT OF ELDER AFFAIRS.

1. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To join in a partnership with a county described in subsection 2 to be used to fund a livable community initiative and hire a full-time professional aging specialist for the initiative:

..... \$ 50,000

2. The county eligible for the appropriation in subsection 1 shall meet all of the following qualifications:

a. Have a livable community initiative, supported by the county board of supervisors, the area agency on aging, the united way, the county public health department and others.

b. Have completed a market analysis on successful aging and issued reports containing future directions for housing, transportation, health and supportive services, and successful aging.

c. Have organized action teams who are developing action plans to implement the priorities established at a countywide planning session with national leadership.

3. The purpose of the professional aging specialist hired under this section is to help in the implementation of the action plans being developed and to work with the governmental, business, educational, health, religious, social, leisure, and service segments of the urban-rural county to create a replicable and portable model of a livable community where persons can age successfully.

Sec. 33. ALL IOWA OPPORTUNITY ASSISTANCE PROGRAM. If 2007 Iowa Acts, Senate File 588,<sup>1</sup> is enacted and provides for an appropriation from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for the all Iowa opportunity assistance program, there is appropriated to supplement that appropriation as follows:

For purposes of the all Iowa opportunity assistance program, which includes the all Iowa opportunity foster care grant program established pursuant to section 261.6 and the all Iowa

<sup>1</sup> Chapter 214, §2 herein

opportunity scholarship program established pursuant to section 261.88, if sections 261.6 and 261.88 are enacted by 2007 Iowa Acts, Senate File 588:<sup>2</sup>

..... \$ 500,000

The moneys appropriated in this section shall be used for the all Iowa opportunity scholarship program established pursuant to section 261.88, if enacted.<sup>3</sup>

Sec. 34. BEFORE AND AFTER SCHOOL GRANT PROGRAM. If 2007 Iowa Acts, Senate File 588,<sup>4</sup> is enacted and provides for an appropriation from the general fund of the state to the department of education for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for the before and after school grant program, there is appropriated to supplement that appropriation as follows:

For the before and after school grant program established pursuant to section 256.26, if enacted by 2007 Iowa Acts, Senate File 588:<sup>5</sup>

..... \$ 295,000

Sec. 35. FARM MEDIATION. If 2007 Iowa Acts, Senate File 575,<sup>6</sup> is enacted and provides for an appropriation from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2007, and ending June 30, 2008, for the purpose of funding farm mediation services, there is appropriated to supplement that appropriation as follows:

For the purpose of funding farm mediation services and other farm assistance program provisions in accordance with sections 13.13 through 13.24:

..... \$ 150,000

Sec. 36. DEPARTMENT OF PUBLIC HEALTH — 211 PROGRAM. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For award to 211 nonprofit call centers providing human services information for citizens of this state, in accordance with this section:

..... \$ 200,000

1. The amount appropriated in this section shall be awarded to 211 call centers that apply for funding under this section and meet the criteria for the funding established by the department in consultation with an industry advisory committee. The committee shall consist of two members who are executive officers from a statewide organization that provided funding to 211 call centers during calendar year 2006, one member representing the department of elder affairs, one member representing the board of directors of a nonprofit call center in this state, and an Iowa member representing the alliance of information and referral systems. The committee shall assist the department in reviewing funding applications and awarding the funds.

2. The department shall submit a report to the governor and general assembly providing detailed information concerning the funding distributed to call centers under this section, addressing the purposes for which the funding was used, the call volume for each call center, and the subject addressed by the calls.

Sec. 37. JUDICIAL BRANCH. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, and miscellaneous purposes:

..... \$ 14,200,000

The amount appropriated in this section is a supplement to the appropriations made for these purposes in 2007 Iowa Acts, Senate File 563,<sup>7</sup> if enacted.

<sup>2</sup> Chapter 214, §25, 28 herein

<sup>3</sup> Chapter 214, §28 herein

<sup>4</sup> Chapter 214, §6 herein

<sup>5</sup> Chapter 214, §19 herein

<sup>6</sup> Chapter 213, §1 herein

<sup>7</sup> Chapter 210, §1 herein

Sec. 38. INDIGENT DEFENSE PROGRAM. There is appropriated from the general fund of the state to the office of state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, for the purposes designated:

For the indigent defense program:

..... \$ 3,000,000

The amount appropriated in this section is a supplement to the appropriations made for these purposes in 2007 Iowa Acts, Senate File 575,<sup>8</sup> if enacted.

Sec. 39. NEWTON CORRECTIONAL FACILITY. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, for the purposes designated:

For the Newton correctional facility:

..... \$ 560,000

The amount appropriated in this section is a supplement to the appropriations made for these purposes in 2007 Iowa Acts, Senate File 575,<sup>9</sup> if enacted.

Sec. 40. LEGAL SERVICES POVERTY GRANTS. There is appropriated from the general fund of the state to the office of attorney general for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, for the purposes designated:

For legal services for persons in poverty grants as provided in section 13.34:

..... \$ 450,000

The amount appropriated in this section is a supplement to the appropriations made for these purposes in 2007 Iowa Acts, Senate File 575,<sup>10</sup> if enacted.

Sec. 41. IOWA JUNIOR ANGUS ASSOCIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For allocation to the Iowa junior angus association in connection with the 2008 national junior angus show:

..... \$ 10,000

*\*Sec. 42. PLASMA ARC TECHNOLOGY. There is appropriated from the general fund of the state to the department of natural resources for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:*

*For a grant to a county with a population of more than 190,000 but less than 200,000, according to the 2005 estimate issued by the United States bureau of the census:*

*..... \$ 150,000*

*The grant shall be used to conduct a study of the feasibility of the use of plasma arc and other related energy technology for disposal of solid waste while generating energy.*

*Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.\**

*\*Sec. 43. STATE EMPLOYEE TELECOMMUTING — POLICY. Any director of a department or state agency who is subject to a requirement to develop a telecommuter employment policy and plans shall develop the policy and plans in consultation with representatives of the collective bargaining units of the employees affected by the policy and plans.\**

<sup>8</sup> Chapter 213 herein

<sup>9</sup> Chapter 213, §3 herein

<sup>10</sup> Chapter 213, §1 herein

\* Item veto; see message at end of the Act

Sec. 44. 2006 Iowa Acts, chapter 1177, section 16, subsection 4, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated during the succeeding fiscal year.

Sec. 45. 2006 Iowa Acts, chapter 1180, section 5, subsection 6, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 46. 2007 Iowa Acts, Senate File 562,<sup>11</sup> section 1, subsection 6, if enacted, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 47. The section of 2007 Iowa Acts, House File 641,<sup>12</sup> which is titled “processing of installment agreements”, and which refers to section 602.8107, subsection 4, and allocates moneys to the judicial branch, if enacted, is repealed.

*\*Sec. 48. 2007 Iowa Acts, House File 752, section 1, subsection 2, paragraph a, if enacted, is amended to read as follows:*

*a. Operations:*

.....	\$	6,237,000
		<u>6,253,800*</u>

*\*Sec. 49. 2007 Iowa Acts, House File 752, section 2, subsection 1, paragraph a, if enacted, is amended to read as follows:*

*a. Operations:*

.....	\$	38,311,652
		<u>38,414,852</u>
.....	FTEs	305.00
		<u>306.00*</u>

Sec. 50. 2007 Iowa Acts, House File 752,<sup>13</sup> section 1, subsection 3, if enacted, is amended to read as follows:

3. For payments to the department of administrative services for utility services:

.....	\$	145,000
		<u>188,207</u>

Sec. 51. 2007 Iowa Acts, House File 752,<sup>14</sup> section 2, subsection 2, if enacted, is amended to read as follows:

2. For payments to the department of administrative services for utility services:

.....	\$	888,000
		<u>1,153,417</u>

<sup>11</sup> Chapter 212 herein

<sup>12</sup> Chapter 196, §15 herein

\* Item veto; see message at end of the Act

<sup>13</sup> Chapter 216 herein

<sup>14</sup> Chapter 216 herein

Sec. 52. 2007 Iowa Acts, House File 874,<sup>15</sup> section 7, subsection 4, paragraph a, if enacted, is amended to read as follows:

a. For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,655,809
.....	FTEs	100.50
		<u>101.00</u>

Sec. 53. OFFICE OF ENERGY INDEPENDENCE. If 2007 Iowa Acts, House File 927,<sup>16</sup> is enacted and provides for an appropriation from the general fund of the state to the office of energy independence for the fiscal year beginning July 1, 2006, and ending June 30, 2007, allocations from that appropriation for administrative costs shall be for not more than the following full-time equivalent positions:

.....	FTEs	4.00
-------	------	------

Sec. 54. TIM SHIELDS CENTER. It is the intent of the general assembly that appropriations be made from moneys in the state treasury to assist the local government innovation commission in funding the Tim Shields center for governing excellence in Iowa established in section 8.68 if enacted by 2007 Iowa Acts, Senate File 155.<sup>17</sup>

Sec. 55. STATE BOARD OF REGENTS — ARTICULATION WEBSITE. The general assembly finds that as college costs increase, Iowa's community college students need access to resources that allow the students to make informed, cost-effective decisions regarding their postsecondary education plans. It is the intent of the general assembly to provide for a seamless transition for students transferring from Iowa's community colleges to Iowa's state universities. Therefore, the state board of regents shall, in cooperation with the department of education and the community colleges, develop, maintain, and promote a user-friendly credit transfer and articulation internet website that allows Iowans to know at the time of enrollment in a community college course whether the credit will be accepted by the state university of the student's choice, the category in which the university will apply the credit, and to which degree program or programs the university will apply the credit. The board and the community colleges shall continuously strive to improve upon the coordinating efforts between the state universities and the community colleges to map and articulate community college courses for college credit with the degree programs offered at the state universities. The website shall be operational not later than July 1, 2008.

*\*Sec. 56. NEW SECTION. 15.391 WORLD FOOD PRIZE AWARD AND SUPPORT.*

*1. Commencing with the fiscal year beginning July 1, 2008, there is annually appropriated from the general fund of the state to the department one million dollars for the support of the world food prize award.*

*2. The Iowa state capitol is designated as the primary location for the annual ceremony to award the world food prize.\**

*\*Sec. 57. NEW SECTION. 15.392 WORLD FOOD PRIZE YOUTH INSTITUTE.*

*1. As a condition of receiving state funding, the entity awarding the world food prize shall establish a world food prize youth institute program in honor of Nobel peace prize laureate Dr. Norman E. Borlaug. The purpose of the program shall be to provide an educational opportunity and forum for high school students in this state who have an interest in food, agriculture, or natural resources disciplines.*

*2. State funding for the world food prize youth institute for a fiscal year shall be allocated from the appropriation made for the support of the world food prize award.*

*3. A world food prize youth institute advisory committee is established to advise and support the institute. The advisory committee shall receive regular updates concerning the status of*

<sup>15</sup> Chapter 217 herein

<sup>16</sup> Chapter 209, §2 herein; see also chapter 168

<sup>17</sup> Chapter 117, §6, 7 herein

\* Item veto; see message at end of the Act

the institute. The membership of the advisory committee shall include two members of the senate, one each appointed by the majority and minority party leaders, and two members of the house of representatives appointed by the speaker and minority leader of the house of representatives. In addition, the governor shall appoint two members. The terms of the legislative and executive branch appointments shall coincide with each legislative biennium. A vacancy in a legislative or executive branch appointment shall be filled for the balance of the unexpired term by the original appointing authority.

4. Staff support for the advisory committee shall be provided by the department of economic development.\*

Sec. 58. Section 15F.203, subsection 3, paragraph e, Code 2007, is amended to read as follows:

e. The project is primarily a vertical infrastructure project with demonstrated substantial regional or statewide economic impact. For purposes of the program, "vertical infrastructure" means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails and water trails. "Vertical infrastructure" does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

\*Sec. 59. Section 15F.204, subsection 8, Code 2007, is amended to read as follows:

8. a. There is appropriated from the rebuild Iowa infrastructure fund to the community attraction and tourism fund, the following amounts:

(1) For the fiscal year beginning July 1, 2004, and ending June 30, 2005, the sum of twelve million dollars.

(2) For the fiscal year beginning July 1, 2005, and ending June 30, 2006, the sum of five million dollars.

(3) For the fiscal year beginning July 1, 2006, and ending June 30, 2007, the sum of five million dollars.

(4) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of five million dollars.

(5) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of five million dollars.

(6) For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of five million dollars.

(7) For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of five million dollars.

(8) For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of five million dollars.

(9) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of five million dollars.

b. There is appropriated from the franchise tax revenues deposited in the general fund of the state to the community attraction and tourism fund, the following amounts:

(1) For the fiscal year beginning July 1, 2005, and ending June 30, 2006, the sum of seven million dollars.

(2) For the fiscal year beginning July 1, 2006, and ending June 30, 2007, the sum of seven million dollars.

(3) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, the sum of seven million dollars.

(4) For the fiscal year beginning July 1, 2008, and ending June 30, 2009, the sum of seven million dollars.

(5) For the fiscal year beginning July 1, 2009, and ending June 30, 2010, the sum of seven million dollars.

(6) For the fiscal year beginning July 1, 2010, and ending June 30, 2011, the sum of seven million dollars.

\* Item veto; see message at end of the Act

(7) For the fiscal year beginning July 1, 2011, and ending June 30, 2012, the sum of seven million dollars.

(8) For the fiscal year beginning July 1, 2012, and ending June 30, 2013, the sum of seven million dollars.

*Notwithstanding the allocation requirements in subsection 5, the board may make a multi-year commitment to an applicant of up to ~~four~~ six million dollars in any one fiscal year.\**

Sec. 60. Section 256D.5, subsection 4, Code 2007, is amended to read as follows:

4. For each fiscal year of the fiscal period beginning July 1, 2004, and ending June 30, 2007 ~~2012~~, the sum of twenty-nine million two hundred fifty thousand dollars.

Sec. 61. Section 256D.9, Code 2007, is amended to read as follows:

256D.9 FUTURE REPEAL.

This chapter is repealed effective July 1, 2007 ~~2012~~.

Sec. 62. Section 279.51, subsection 1, Code 2007, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, ~~2000~~ 2007, and each succeeding fiscal year, the sum of twelve million five ~~six~~ hundred ~~sixty~~ six thousand one hundred ninety-six dollars.

The moneys shall be allocated as follows:

a. Two hundred seventy-five thousand eight hundred sixty-four dollars of the funds appropriated shall be allocated to the area education agencies to assist school districts in developing program plans and budgets under this section and to assist school districts in meeting other responsibilities in early childhood education.

b. For the fiscal year beginning July 1, ~~1998~~ 2007, and for each succeeding fiscal year, eight million five hundred ~~ten~~ thirty-six thousand seven hundred forty dollars of the funds appropriated shall be allocated to the child development coordinating council established in chapter 256A for the purposes set out in subsection 2 of this section and section 256A.3.

c. For the fiscal year beginning July 1, ~~1996~~ 2007, and for each fiscal year thereafter, three million five hundred ~~ten~~ thousand nine hundred ninety-two dollars of the funds appropriated shall be allocated as grants to school districts that have elementary schools that demonstrate the greatest need for programs for at-risk students with preference given to innovative programs for the early elementary school years. School districts receiving grants under this paragraph shall at a minimum provide activities and materials designed to encourage children's self-esteem, provide role modeling and mentoring techniques in social competence and social skills, and discourage inappropriate drug use. The grant allocations made in this paragraph may be renewed for additional periods of time. Of the amount allocated under this paragraph for each fiscal year, seventy-five thousand dollars shall be allocated to school districts which have an actual student population of ten thousand or less and have an actual non-English speaking student population which represents greater than five percent of the total actual student population for grants to elementary schools in those districts.

d. Notwithstanding section 256A.3, subsection 6, of the amount appropriated in this subsection for the fiscal year beginning July 1, ~~1996~~ 2007, and for each succeeding fiscal year, ~~two and one-fourth percent up to two hundred eighty-two thousand six hundred dollars~~ may be used for administrative costs. ~~Any reduction of an allocation under this subsection as necessary to fund the provisions of this paragraph shall be made from the allocation in paragraph "b".~~

Sec. 63. Section 469.10, subsection 2, if enacted by 2007 Iowa Acts, House File 927,<sup>18</sup> is amended to read as follows:

2. Of the moneys appropriated to the office and deposited in the fund, the office shall utilize up to one and five-tenths percent of the amount appropriated from the fund for a fiscal year for administrative costs. From the funds available for administrative costs, the office shall not employ more than four full-time equivalent positions.

\* Item veto; see message at end of the Act

<sup>18</sup> Chapter 209, §1 herein



Sec. 64. Section 602.1304, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. For each fiscal year, a judicial collection estimate for that fiscal year shall be equally and proportionally divided into a quarterly amount. The judicial collection estimate shall be calculated by using the state revenue estimating conference estimate made by December 15 pursuant to section 8.22A, subsection 3, of the total amount of fines, fees, civil penalties, costs, surcharges, and other revenues collected by judicial officers and court employees for deposit into the general fund of the state. The revenue estimating conference estimate shall be reduced by the maximum amounts allocated to the Iowa prison infrastructure fund pursuant to section 602.8108A, the court technology and modernization fund pursuant to section 602.8108, subsection 7, the judicial branch pursuant to section 602.8108, subsection 8, the department of inspections and appeals pursuant to section 602.8108, subsection 9, the office of attorney general pursuant to section 602.8108, subsection 10, the department of corrections pursuant to section 602.8108, subsection 11, and the road use tax fund pursuant to section 602.8108, subsection 12, and the remainder shall be the judicial collection estimate. In each quarter of a fiscal year, after revenues collected by judicial officers and court employees equal to that quarterly amount are deposited into the general fund of the state, after the required amount is deposited during the quarter into the Iowa prison infrastructure fund pursuant to section 602.8108A, into the court technology and modernization fund pursuant to section 602.8108, subsection 7, and into the road use tax fund pursuant to section 602.8108, subsection 12, after the required amount is allocated to the judicial branch pursuant to section 602.8108, subsection 8, and after the required amount is allocated to the department of inspections and appeals pursuant to section 602.8108, subsection 9, the office of attorney general pursuant to section 602.8108, subsection 10, and the department of corrections pursuant to section 602.8108, subsection 11, the director of the department of administrative services shall deposit the remaining revenues for that quarter into the enhanced court collections fund in lieu of the general fund. However, after total deposits into the collections fund for the fiscal year are equal to the maximum deposit amount established for the collections fund, remaining revenues for that fiscal year shall be deposited into the general fund. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly. If the revenue estimating conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount used to calculate the judicial collection estimate, the director of the department of administrative services shall recalculate the judicial collection estimate accordingly but only to the extent that the greater amount is due to an increase in the fines, fees, civil penalties, costs, surcharges, or other revenues allowed by law to be collected by judicial officers and court employees.

Sec. 65. Section 602.8108, subsections 8, 9, 10, and 11, Code 2007, are amended by striking the subsections.

Sec. 66. EFFECTIVE DATE. The section of this division of this Act making an appropriation to the department of natural resources for a plasma arc technology grant, being deemed of immediate importance, takes effect upon enactment.

Sec. 67. EFFECTIVE DATE. The section of this division of this Act amending section 256D.9, being deemed of immediate importance, takes effect upon enactment.

Sec. 68. EFFECTIVE DATE. The section of this division of this Act amending 2006 Iowa Acts, chapter 1177, being deemed of immediate importance, takes effect upon enactment.

Sec. 69. EFFECTIVE DATE. The section of this division of this Act amending 2006 Iowa Acts, chapter 1180, section 5, being deemed of immediate importance, takes effect upon enactment.

DIVISION V  
APPROPRIATION ADJUSTMENTS

Sec. 70. VETERANS HOME OWNERSHIP ASSISTANCE PROGRAM.

1. There is appropriated from the rebuild Iowa infrastructure fund to the department of veterans affairs for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For transfer to the Iowa finance authority to be used for continuation of the home ownership assistance program for persons who are or were eligible members of the armed forces of the United States, in accordance with section 35A.15, as enacted by 2007 Iowa Acts, Senate File 407,<sup>19</sup> notwithstanding section 8.57, subsection 6, paragraph "c":

..... \$ 1,000,000

2. Of the funds transferred pursuant to this section, the Iowa finance authority may retain not more than \$20,000 for administrative purposes.

3. Of the amount transferred to the Iowa finance authority pursuant to this section, not more than \$50,000 shall be transferred to the department of public defense to be used for the enduring families program.

4. Notwithstanding section 8.33, moneys appropriated or transferred in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 71. 2007 Iowa Acts, Senate File 562,<sup>20</sup> section 3, subsection 3, paragraphs a and d, if enacted, are amended to read as follows:

a. Community development programs

For salaries, support, maintenance, miscellaneous purposes, community economic development programs, tourism operations, community assistance, the mainstreet and rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs and for not more than the following full-time equivalent positions:

..... \$ 6,422,654

..... 6,322,654

..... FTEs 58.26

d. From the moneys appropriated in this subsection, the department shall use at least \$1,046,000 \$946,000 for purposes of the mainstreet and rural mainstreet programs.

Sec. 72. 2007 Iowa Acts, Senate File 562,<sup>21</sup> section 3, subsection 4, unnumbered paragraph 1, if enacted, is amended to read as follows:

For allocating moneys for the world food prize:

..... \$ 650,000

..... 450,000

Sec. 73. 2007 Iowa Acts, Senate File 562,<sup>22</sup> section 14, subsections 1 and 3, if enacted, are amended to read as follows:

1. There is appropriated from the general fund of the state to the university of northern Iowa for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the metal casting institute, for the myentrenet internet application, and for the institute of decision making, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 661,291

..... 561,291

..... FTEs 6.75

<sup>19</sup> Chapter 87 herein

<sup>20</sup> Chapter 212 herein

<sup>21</sup> Chapter 212 herein

<sup>22</sup> Chapter 212 herein

3. From the moneys appropriated in this section, the university of northern Iowa shall use at least ~~\$300,000~~ \$200,000 for purposes of expanding the service area of the myentrenet internet application.

Sec. 74. 2007 Iowa Acts, Senate File 575,<sup>23</sup> section 4, subsection 1, paragraph b, unnumbered paragraph 1, if enacted, is amended to read as follows:

For educational programs for inmates at state penal institutions:

.....	\$	2,070,358
		<u>1,570,350</u>

Sec. 75. 2007 Iowa Acts, Senate File 575,<sup>24</sup> section 5, subsection 1, paragraph f, unnumbered paragraph 1, if enacted, is amended to read as follows:

For the sixth judicial district department of correctional services:

.....	\$	12,203,009
		<u>12,003,009</u>

Sec. 76. 2007 Iowa Acts, House File 874,<sup>25</sup> section 19, subsection 1, if enacted, is amended to read as follows:

#### 1. ADMINISTRATION AND ELECTIONS

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,431,015
		<u>1,331,015</u>
.....	FTEs	17.00

The state department or state agency which provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

### DIVISION VI MISCELLANEOUS STATUTORY CHANGES

Sec. 77. Section 7E.7, subsection 1, Code 2007, is amended to read as follows:

1. ~~The Iowa finance authority and the Iowa economic protective and investment authority shall be considered parts~~ part of the Iowa department of economic development. The Iowa department of economic development may provide staff assistance and administrative support to the ~~authorities~~ authority.

Sec. 78. Section 7E.7, subsection 2, Code 2007, is amended by striking the subsection.

Sec. 79. Section 8A.311, Code 2007, is amended by adding the following new subsection:

**NEW SUBSECTION.** 21. a. The director may authorize the procurement of goods and services in which a contractual limitation of vendor liability is provided for and set forth in the documents initiating the procurement. The director, in consultation with the department of management, shall adopt rules setting forth the circumstances in which such procurement will be permitted and what types of contractual limitations of liability are permitted. Rules adopted by the director shall establish criteria to be considered in making a determination of whether to permit a contractual limitation of vendor liability with regard to any procurement of goods and services. The criteria, at a minimum, shall include all of the following:

(1) Whether authorizing a contractual limitation of vendor liability is necessary to prevent harm to the state from a failure to obtain the goods or services sought, or from obtaining the goods or services at a higher price if the state refuses to allow a contractual limitation of vendor liability.

(2) Whether the contractual limitation of vendor liability is commercially reasonable when taking into account any risk to the state created by the goods or services to be procured and the purpose for which they will be used.

<sup>23</sup> Chapter 213 herein

<sup>24</sup> Chapter 213 herein

<sup>25</sup> Chapter 217 herein

b. Notwithstanding paragraph “a”, a contractual limitation of vendor liability shall not include any limitation on the liability of any vendor for intentional torts, criminal acts, or fraudulent conduct.

c. The rules shall provide for the negotiation of a contractual limitation of vendor liability consistent with the requirements of this section and any other requirements of the department as provided in any related documents associated with a procurement of goods and services.

*\*Sec. 80. Section 8A.363, subsection 1, Code 2007, is amended to read as follows:*

*1. A state officer or employee shall not use a state-owned motor vehicle for personal private use. A state officer or employee shall not be compensated for driving a privately owned motor vehicle unless it is done on state business with the approval of the director. In that case the state officer or employee shall receive an amount to be determined by the director. The amount shall not exceed be not less than ninety percent of the maximum or not more than one hundred ten percent of the maximum allowable under the federal internal revenue service rules per mile, notwithstanding established mileage requirements or depreciation allowances. However, the director may authorize private motor vehicle rates in excess of one hundred ten percent of the rate allowed under the federal internal revenue service rules for state business use of substantially modified or specially equipped privately owned vehicles required by persons with disabilities. A statutory provision establishing reimbursement for necessary mileage, travel, or actual expenses to a state officer falls under the private motor vehicle mileage rate limitation provided in this section unless specifically provided otherwise. Any peace officer employed by the state as defined in section 801.4 who is required to use a private motor vehicle in the performance of official duties shall receive the private vehicle mileage rate at the rate provided in this section. However, the director may delegate authority to officials of the state, and department heads, for the use of private vehicles on state business up to a yearly mileage figure established by the director. If a state motor vehicle has been assigned to a state officer or employee, the officer or employee shall not collect mileage for the use of a privately owned motor vehicle unless the state motor vehicle assigned is not useable.\**

*Sec. 81. Section 15F.303, subsection 3, paragraph b, Code 2007, is amended to read as follows:*

*b. The project supports or is strategically aligned with other existing regional or statewide cultural, recreational, entertainment, or educational activities or with communities adjacent to cultural and entertainment districts whose existing or planned amenity base will augment or complement the cultural and entertainment venues of such districts.*

*Sec. 82. Section 15I.3, subsection 4, Code 2007, is amended to read as follows:*

*4. The total amount of tax credit certificates that may be issued for a fiscal year under this chapter shall not exceed ten million dollars for the fiscal years beginning before July 1, 2007, and shall not exceed four million dollars for fiscal years beginning on or after July 1, 2007. The department shall establish by rule the procedures for the application, review, selection, awarding of certificates, and the method to be used to determine for which fiscal year the tax credits are available. If the approved tax credits exceed the maximum amount for a fiscal year, tax credit certificates shall be issued on an earliest date applied basis.*

*Sec. 83. Section 28D.3, subsection 4, Code 2007, is amended to read as follows:*

*4. Persons employed by the department of natural resources, department of administrative services, and the Iowa communications network under this chapter are not subject to the twenty-four-month time limitation specified in subsection 2.*

*Sec. 84. Section 85.66, Code 2007, is amended to read as follows:*

**85.66 SECOND INJURY FUND — CREATION — CUSTODIAN.**

The “Second Injury Fund” is hereby established under the custody of the treasurer of state and shall consist of payments to the fund as provided by this division and any accumulated interest and earnings on moneys in the second injury fund. The treasurer of state is charged

\* Item veto; see message at end of the Act

with the conservation of the assets of the second injury fund. Moneys collected in the “Second Injury Fund” shall be disbursed only for the purposes stated in this division, and shall not at any time be appropriated or diverted to any other use or purpose. The treasurer of state shall invest any surplus moneys of the fund in securities which constitute legal investments for state funds under the laws of this state, and may sell any of the securities in which the fund is invested, if necessary, for the proper administration or in the best interests of the fund. Disbursements from the fund shall be paid by the treasurer of state only upon the written order of the workers’ compensation commissioner. The attorney general shall be reimbursed up to one hundred fifty thousand dollars annually from the fund for services provided related to the fund. The treasurer of state shall quarterly prepare a statement of the fund, setting forth the balance of moneys in the fund, the income of the fund, specifying the source of all income, the payments out of the fund, specifying the various items of payments, and setting forth the balance of the fund remaining to its credit. The statement shall be open to public inspection in the office of the treasurer of state.

Sec. 85. Section 85.67, Code 2007, is amended to read as follows:

85.67 ADMINISTRATION OF FUND — SPECIAL COUNSEL — PAYMENT OF AWARD.

The attorney general shall appoint a staff member to represent the treasurer of state and the fund in all proceedings and matters arising under this division. The attorney general shall be reimbursed up to one hundred fifty thousand dollars annually from the fund for services provided related to the fund. The commissioner of insurance shall consider the reimbursement to the attorney general as an outstanding liability when making a determination of funding availability under section 85.65A, subsection 2. In making an award under this division, the workers’ compensation commissioner shall specifically find the amount the injured employee shall be paid weekly, the number of weeks of compensation which shall be paid by the employer, the date upon which payments out of the fund shall begin, and, if possible, the length of time the payments shall continue.

Sec. 86. Section 99F.4, subsection 24, Code 2007, is amended to read as follows:

24. To conduct a socioeconomic study on the impact of gambling on Iowans, every eight years beginning in calendar year ~~2008~~ 2013, and issue a report on that study. The commission shall ensure that the results of each study are readily accessible to the public.

Sec. 87. Section 99F.11, subsection 3, paragraph e, subparagraph (3), as enacted by 2006 Iowa Acts, chapter 1151, subsection 6, is amended to read as follows:

(3) One-half of the moneys remaining after the appropriation in subparagraph (1) shall be credited, on a quarterly basis, to the general fund of the state for the purpose of funding the endow Iowa tax credit provided in section 15E.305.

Sec. 88. Section 135.105D, subsection 1A, as enacted by 2007 Iowa Acts, House File 158,<sup>26</sup> section 2, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Notwithstanding any other provision to the contrary, nothing in this section shall subject a parent, guardian, or legal custodian of a child of compulsory attendance age to any penalties under chapter 299.

Sec. 89. Section 175.3, subsection 1, paragraph a, Code 2007, is amended to read as follows:

a. The agricultural development authority is ~~established within the office of treasurer of state. The authority is~~ constituted as a public instrumentality and agency of the state exercising public and essential governmental functions.

Sec. 90. Section 175.3, subsection 7, Code 2007, is amended to read as follows:

7. The appointed members shall elect a chairperson and vice chairperson annually, and other officers as they determine, but the executive director shall serve as secretary to the author-

<sup>26</sup> Chapter 79 herein

ity. ~~The chairperson and vice chairperson shall serve on the selection and tenure committee as provided in section 175.7.~~

Sec. 91. Section 175.7, subsection 1, Code 2007, is amended by striking the subsection and inserting in lieu thereof the following:

1. The governor, subject to confirmation by the senate, shall appoint an executive director of the authority, who shall serve at the pleasure of the governor. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation.

Sec. 92. Section 175.8, Code 2007, is amended by adding the following new subsection:  
NEW SUBSECTION. 3. For fiscal years beginning on or after July 1, 2007, the auditor of state shall conduct an annual audit of the agricultural development authority to be paid from resources of the authority notwithstanding any other audit conducted on behalf of the authority's board of directors. The auditor of state may acquire the services of an outside audit firm, if necessary, to conduct the audit as required in this subsection.

Sec. 93. NEW SECTION. 190A.1 FARM-TO-SCHOOL PROGRAM.

A farm-to-school program is established to encourage and promote the purchase of locally and regionally produced or processed food in order to improve child nutrition and strengthen local and regional farm economies.

Sec. 94. NEW SECTION. 190A.2 FARM-TO-SCHOOL COUNCIL.

1. A farm-to-school council is established and made up of seven members representing the following associations or state departments:

- a. One member representing the Iowa school nutrition association.
- b. One member representing the Iowa association for health, physical education, recreation and dance with expertise in health.
- c. One Iowa fruit or vegetable producer.
- d. One Iowa organic meat producer.
- e. The director of the Leopold center or the director's designee.
- f. The director of the department of agriculture and land stewardship or the director's designee.

g. The director of the department of education or the director's designee.

2. The members listed under subsection 1, paragraphs "a" through "d", shall be selected by the governor without senate confirmation and shall serve at the pleasure of the governor.

Sec. 95. NEW SECTION. 190A.3 GOALS AND STRATEGIES.

1. The program seeks to link elementary and secondary public and nonpublic schools in this state with Iowa farms to provide schools with fresh and minimally processed food for inclusion in school meals and snacks, encourages children to develop healthy eating habits, and provide Iowa farmers access to consumer markets.

2. The farm-to-school program may include activities that provide students with hands-on learning opportunities, such as farm visits, cooking demonstrations, and school gardening and composting programs.

3. The farm-to-school council shall seek to establish partnerships with public agencies and nonprofit organizations to implement a structure to facilitate communication between farmers and schools.

4. The farm-to-school council shall actively seek financial or in-kind contributions from organizations or persons to support the program.

Sec. 96. NEW SECTION. 190A.4 AGENCY COOPERATION.

The department of agriculture and land stewardship and the department of education shall provide information regarding the Iowa farm-to-school program in an electronic format on the department's internet website.

Sec. 97. NEW SECTION. 214A.2B LABORATORY FOR MOTOR FUEL AND BIOFUELS.

A laboratory for motor fuel and biofuels is established at a merged area school which is engaged in biofuels testing on July 1, 2007, and which testing includes but is not limited to B20 biodiesel testing for motor trucks and the ability of biofuels to meet A.S.T.M. international standards. The laboratory shall conduct testing of motor fuel sold in this state and biofuel which is blended in motor fuel in this state to ensure that the motor fuel or biofuels meet the requirements in section 214A.2.

Sec. 98. Section 216A.121, subsection 3, if enacted by 2007 Iowa Acts, House File 826,<sup>27</sup> section 1, is amended to read as follows:

3. MEMBERSHIP.

a. The commission shall consist of ~~twenty-one~~ twenty-two members, including ~~seventeen~~ eighteen voting members and four nonvoting members.

(1) The voting members shall be as follows:

(a) The governor or the governor's designee.

(b) One member, appointed by the governor, who is an Iowa designated representative to the federal Abraham Lincoln bicentennial commission governors' council.

(c) One member appointed by the president of Humanities Iowa.

(d) One member appointed by the director of the department of economic development.

(e) One member appointed by the administrator of the state historical society of Iowa.

(f) One member appointed by the executive director of the Iowa arts council.

(g) One member appointed by the executive director of the Iowa museum society.

(h) One member appointed by the president of the league of Iowa human rights agencies.

(i) One member appointed by the president of the Iowa league of cities.

(ii) One member appointed by the executive director of the Iowa state association of counties.

(j) One member appointed by the director of the department of education.

(k) One member appointed by the chairperson of the state board of regents.

(l) One member appointed by the president of the Iowa library board.

(m) One member appointed by the chairperson of the Iowa state chapter of the national association for the advancement of colored people.

(n) Four public members, appointed by the governor, with a demonstrated interest in history and substantial knowledge and appreciation of Abraham Lincoln.

(2) The nonvoting members shall be two state representatives, one appointed by the speaker of the house of representatives and one by the minority leader of the house, and two state senators, one appointed by the majority leader of the senate and one by the minority leader of the senate.

b. ~~Nine~~ Ten voting members of the board shall constitute a quorum. Persons making appointments shall consult with one another to ensure that the commission is balanced by gender, political affiliation, and geographic location, and to ensure selection of members representing diverse interest groups. The provisions of chapters 21 and 22 shall apply to meetings and records of the commission.

c. The commission shall elect a chairperson and vice chairperson from the members of the commission. Commission members shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

Sec. 99. Section 237A.13, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. The department's billing and payment provisions for the program shall allow providers to elect either biweekly or monthly billing and payment for child care provided under the program. The department shall remit payment to a provider within ten business days of receiving a bill or claim for services provided. However, if the department determines that a bill has an error or omission, the department shall notify the provider of the error or omission and identify any correction needed before issuance of payment to the provider. The department shall provide the notice within five business days of receiving the billing

<sup>27</sup> Chapter 99 herein

from the provider and shall remit payment to the provider within ten business days of receiving the corrected billing.

Sec. 100. Section 256C.3, subsection 5, if enacted by 2007 Iowa Acts, House File 877,<sup>28</sup> is amended by adding the following new paragraph:

**NEW PARAGRAPH.** d. The state board, in collaboration with the department, shall ensure that the administrative rules adopted to support the preschool program emphasize that children's access to the program is voluntary, that the preschool foundation aid provided to a school district is provided based upon the enrollment of eligible students in the school district's local program regardless of whether an eligible student is a resident of the school district, and that agreements entered into by a school district for the provision of programming in settings other than the school district's facilities are between the school district and the private provider.

Sec. 101. Section 272.27, Code 2007, is amended to read as follows:

**272.27 STUDENT TEACHING AND OTHER EDUCATIONAL EXPERIENCES.**

If the rules adopted by the board of educational examiners for issuance of any type or class of license require an applicant to complete work in student teaching, ~~an accredited college or university located within the state of Iowa and states conterminous with Iowa may offer a program or programs of teacher education approved by the director of the department of education or the appropriate authority in states conterminous with Iowa by entering prestudent teaching experiences, field experiences, practicums, clinicals, or internships, an institution with a practitioner preparation program approved by the state board of education under section 256.7, subsection 3, shall enter~~ into a written contract with any ~~accredited school district or private, accredited nonpublic school, preschool registered or licensed by the department of human services, or area education agency in Iowa~~ under terms and conditions as agreed upon by the contracting parties. ~~The terms and conditions of a written contract entered into with a preschool pursuant to this section shall provide that a student teacher be under the direct supervision of an appropriately licensed cooperating teacher who is employed to teach at the preschool.~~ Students actually teaching ~~or engaged in preservice licensure activities~~ in a school district under the terms of such a contract are entitled to the same protection, under section 670.8, as is afforded by that section to officers and employees of the school district, during the time they are so assigned.

Sec. 102. Section 279.13, subsection 1, paragraph b, if enacted by 2007 Iowa Acts, Senate File 277,<sup>29</sup> section 11, is amended to read as follows:

b. (1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall ~~either request the division of criminal investigation of the department of public safety to conduct a background investigation of the applicant or request a qualified background screening company accredited by the national association of professional background check screeners to conduct a background check on the applicant.~~ ~~The~~

(2) ~~If the school district submits a request to the division of criminal investigation pursuant to subparagraph (1), the school district shall require the teacher to submit a completed fingerprint packet, which shall be used to facilitate a national criminal history check. The school district shall submit the packet to the division of criminal investigation of the department of public safety which shall conduct a thorough background investigation of the teacher. The superintendent of a school district or the superintendent's designee shall have access to and shall review the sex offender registry information under section 692A.13, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding applicants for employment as a teacher.~~

(3) ~~If the school district submits a request to a qualified background screening company pursuant to subparagraph (1), the background check shall include a national criminal history~~

<sup>28</sup> Chapter 148, §3 herein

<sup>29</sup> Chapter 108 herein



check, a review of the sex offender registry information under section 692A.13, the central registry for child abuse information established under section 235A.14 as the superintendent's designee under section 235A.15, and the central registry for dependent adult abuse information established under section 235B.5 as the superintendent's designee under section 235B.6 for information regarding applicants for employment as a teacher.

(4) The school district may charge the teacher a fee for the background investigation, which shall not exceed the fee charged by the division of criminal investigation for conducting the background investigation.

Sec. 103. Section 284.13, subsection 1, paragraph d, as amended by 2007 Iowa Acts, Senate File 277,<sup>30</sup> section 37, if enacted, is amended to read as follows:

d. (1) For the fiscal year beginning July 1, 2007, and ending June 30, 2008, up to twenty million dollars to the department for use by school districts for professional development as provided in section 284.6. The department shall distribute funds allocated for the purpose of this paragraph based on the average per diem contract salary for each district as reported to the department for the school year beginning July 1, 2006, multiplied by the total number of full-time equivalent teachers in the base year. The department shall adjust each district's average per diem salary by the allowable growth rate established under section 257.8 for the fiscal year beginning July 1, 2007. The contract salary amount shall be the amount paid for their regular responsibilities but shall not include pay for extracurricular activities. These funds shall not supplant existing funding for professional development activities. Notwithstanding any provision to the contrary, moneys received by a school district under this paragraph shall not revert but shall remain available for the same purpose in the succeeding fiscal year. A school district shall submit a report to the department in a manner determined by the department describing its use of the funds received under this paragraph. The department shall submit a report on school district use of the moneys distributed pursuant to this paragraph to the general assembly and the legislative services agency not later than January 15 of the fiscal year for which moneys are allocated for purposes of this paragraph.

(2) From moneys available under subparagraph (1) for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the department shall allocate to area education agencies an amount per teacher employed by an area education agency that is approximately equivalent to the average per teacher amount allocated to the districts. The average per teacher amount shall be calculated by dividing the total number of teachers employed by school districts and the teachers employed by area education agencies into the total amount of moneys available under subparagraph (1).

Sec. 104. Section 303.1, Code 2007, is amended by adding the following new subsection: NEW SUBSECTION. 7. The department may develop and implement fee-based educational programming opportunities, including preschool programs, related to arts, history, and other cultural matters for Iowans of all ages.

Sec. 105. Section 321.20B, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. ~~The insurance division and the department, as appropriate, shall adopt rules regarding the contents of a financial liability coverage card to be issued pursuant to this section.~~

(1) Notwithstanding the provisions of this section, a fleet owner who is issued a certificate of self-insurance pursuant to section 321A.34, subsection 1, is not required to maintain in each vehicle a financial liability coverage card with the individual registration number or the vehicle identification number of the vehicle included on the card. Such fleet owner shall be required to maintain a financial liability coverage card in each vehicle in the fleet including information deemed appropriate by the commissioner of insurance or the director, as applicable.

(2) An association of individual members that is issued a certificate of self-insurance pursuant to section 321A.34, subsection 2, is required to maintain in each vehicle of an individual member a financial liability coverage card that complies with the provisions of this section and

<sup>30</sup> Chapter 108 herein

in addition contains information relating to the association and the association's certificate of self-insurance as is deemed appropriate by the director.

Sec. 106. Section 321.34, subsection 8, Code 2007, as amended by 2007 Iowa Acts, House File 749,<sup>31</sup> if enacted, is amended to read as follows:

8. MEDAL OF HONOR PLATES. The owner of a motor vehicle subject to registration under section 321.109, subsection 1, motorcycle, trailer, or motor truck who has been awarded the medal of honor may, upon written application to the department, order special registration plates which shall be red, white, and blue in color and shall bear an emblem of the medal of honor and an identifying number. Each applicant applying for special registration plates under this subsection may ~~purchase order~~ only one set of registration plates under this subsection. The application is subject to approval by the department and the special registration plates shall be issued at no charge to the applicant in exchange for the registration plates previously issued to the person. ~~The special plates are subject to an annual registration fee of fifteen dollars. A person who is issued special plates under this subsection is exempt from payment of any annual registration fee for the motor vehicle bearing the special plates.~~ The department shall validate the special plates in the same manner as regular registration plates are validated under this section. The department shall not issue special registration plates until service organizations in the state have furnished the department either the special dies or the cost of the special dies necessary for the manufacture of the special registration plate.

The surviving spouse of a person who was issued special plates under this subsection may continue to use the special plates subject to registration of the special plates in the surviving spouse's name and ~~upon payment of the fifteen dollar annual registration fee~~. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

Sec. 107. Section 321.34, subsection 12A, Code 2007, as amended by 2007 Iowa Acts, House File 749,<sup>32</sup> if enacted, is amended by striking the subsection and inserting in lieu thereof the following:

12A. SPECIAL REGISTRATION PLATES — ARMED FORCES SERVICES.

a. An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge, but shall be subject to the annual registration fee of fifteen dollars, if the owner is eligible for, but has relinquished to the department or the county treasurer or has not been issued, ex-prisoner of war or legion of merit special registration plates under this section.

b. An owner of a vehicle referred to in subsection 12 who applies for any type of special registration plates associated with service in the United States armed forces shall be issued one set of the special registration plates at no charge and subject to no annual registration fee if the owner is eligible for, but has relinquished to the department or the county treasurer or has not been issued, medal of honor registration plates under subsection 8 or disabled veteran registration plates under section 321.105.

c. The owner shall provide the appropriate information regarding the owner's eligibility for any of the special registration plates described in paragraph "a" or "b", and regarding the owner's eligibility for the special registration plates for which the owner has applied, as required by the department.

d. The surviving spouse of a person who was issued special plates under this subsection may continue to use the special plates subject to registration of the special plates in the surviving spouse's name and upon payment of the same annual registration fee, if applicable. If the surviving spouse remarries, the surviving spouse shall return the special plates to the department and the department shall issue regular registration plates to the surviving spouse.

Sec. 108. Section 321A.34, subsections 1 and 2, Code 2007, are amended to read as follows:

1. a. Any person in whose name more than twenty-five motor vehicles are registered may

<sup>31</sup> Chapter 184, §2 herein

<sup>32</sup> Chapter 184, §4 herein

qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in ~~subsection 2 of this section paragraph "b".~~

2. ~~b.~~ The department may, upon the application of such a person, issue a certificate of self-insurance if the department is satisfied that the person has and will continue to have the ability to pay judgments obtained against the person for damages arising out of the ownership, maintenance, or use of any vehicle owned by the person. A person issued a certificate of self-insurance pursuant to this section ~~subsection~~ shall maintain a financial liability coverage card as provided in section 321.20B, subsection 2, paragraph "b", ~~subparagraph (1).~~

2. a. Any association of individual members that is a legal entity with the power to sue and be sued in its own name and which is composed of individual members in whose names a total of more than twenty-five motor vehicles are registered, may qualify as a self-insurer by obtaining a certificate of insurance issued by the department as provided in paragraph "b".

b. The department may, upon the application of such an association, issue a certificate of self-insurance if the department is satisfied that the association has and will continue to have the ability to pay judgments obtained against the association or against an individual member of the association for damages arising out of the ownership, maintenance, or use of any vehicle owned by an individual member of the association. An association issued a certificate of self-insurance pursuant to this paragraph shall maintain a financial liability coverage card as provided in section 321.20B, subsection 2, paragraph "b", subparagraph (2).

Sec. 109. Section 388.2, unnumbered paragraph 2, Code 2007, is amended to read as follows:

The ~~Upon the council's own motion, the~~ proposal may be submitted to the voters at any the general election, the regular city election ~~by the council on its own motion, or at a special election called for that purpose.~~ Upon receipt of a valid petition as defined in section 362.4, requesting that a proposal be submitted to the voters, the council shall submit the proposal at the next regular city election.

Sec. 110. Section 388.2, Code 2007, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 2:

NEW UNNUMBERED PARAGRAPH. If the special election is to establish a gas or electric utility pursuant to this section, or if such a proposal is to be included on the ballot at the regular city or general election, the mayor or council shall give notice as required by section 376.1 to the county commissioner of elections and to any utility whose property would be affected by such election not less than sixty days before the proposed date of the special, regular city, or general election.

Sec. 111. Section 422.11S, subsection 7, paragraph a, subparagraph (2), Code 2007, is amended to read as follows:

(2) "Total approved tax credits" means for the tax year beginning in the 2006 calendar year, two million five hundred thousand dollars, ~~and for the tax years year beginning on or after January 1, in the 2007 calendar year, five million dollars, and for tax years beginning on or after January 1, 2008, seven million five hundred thousand dollars.~~

Sec. 112. Section 423.3, subsection 89, Code 2007, is amended to read as follows:

89. a. The sales price of all goods, wares, or merchandise sold, or of services furnished, which are used in the fulfillment of a written construction contract for the original construction of a building or structure to be used as a collaborative educational facility.

b. The sales price of all goods, wares, or merchandise sold, or of services furnished, which are used in the fulfillment of a written construction contract for the construction of additions or modifications to a building or structure used as part of a collaborative educational facility.

c. To receive the exemption provided in paragraph "a" or "b", a collaborative educational facility must meet all of the ~~following~~ criteria in paragraph "d" or "e":

d. (1) The contract for construction of the building or structure is entered into on or after April 1, 2003.

(2) The building or structure is located within the corporate limits of a city in the state with a population in excess of one hundred ninety-five thousand residents.

(3) The sole purpose of the building or structure is to provide facilities for a collaborative of public and private educational institutions that provide education to students.

(4) The owner of the building or structure is a nonprofit corporation governed by chapter 504 or former chapter 504A which is exempt from federal income tax pursuant to section 501(a) of the Internal Revenue Code.

e. (1) The contract for construction of the building or structure is entered into on or after May 15, 2007.

(2) The sole purpose of the building or structure is to provide facilities for a regional academy under a collaborative of public and private educational institutions that includes a community college established under chapter 260C that provide education to students.

(3) The owner of the building or structure is a qualified charitable nonprofit corporation governed by chapter 504 or former chapter 504A which is exempt from federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code.

f. References to "building" or "structure" in subparagraphs (1) through (4) paragraphs "d" and "e" include any additions or modifications to the building or structure.

Sec. 113. Section 452A.3, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Except as otherwise provided in this section and in this division, until June 30, ~~2007~~ 2012, this subsection shall apply to the excise tax imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 114. Section 452A.3, subsection 1A, Code 2007, is amended to read as follows:

1A. Except as otherwise provided in this section and in this division, after June 30, ~~2007~~ 2012, an excise tax of twenty cents is imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

Sec. 115. Section 455B.306, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 12. This section shall not apply to a sanitary landfill project owned by an electric generating facility and used exclusively for the disposal of coal combustion residue. Notwithstanding section 455B.301, subsection 8, a utility under this subsection may demonstrate financial assurance through the use of a secured trust fund, a cash or surety bond, a corporate financial test as provided by the department, the obtaining of an irrevocable letter of credit, or an alternative method as provided by the department. The financial assurance instrument submitted must ensure the facility's financial capability to provide reasonable and necessary response during the lifetime of the project and for a specified period of time following closure as required by rules adopted by the commission.

Sec. 116. Section 463C.17, Code 2007, is amended to read as follows:

463C.17 EXEMPTION FROM COMPETITIVE BID LAWS.

The authority, the department, and their agents and contracts entered into by the authority, the department, and their agents, in carrying out its public and essential governmental functions are exempt from the laws of the state which provide for competitive bids, term-length, and hearings in connection with contracts, except as provided in section 12.30. However, the exemption from competitive bid laws in this section shall not be construed to apply to contracts for ~~the development of the park or the development or construction of facilities in the park~~, including, but not limited to, lodges, campgrounds, cabins, and golf courses.

Sec. 117. Section 505.8, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 8. The commissioner may, after a hearing conducted pursuant to chapter 17A, assess fines or penalties, order restitution, or take other corrective action as the

commissioner deems necessary and appropriate to accomplish compliance with the laws of the state relating to all insurance business transacted in the state.

Sec. 118. Section 717F.1, subsection 1, if enacted by 2007 Iowa Acts, Senate File 564,<sup>33</sup> section 1, is amended to read as follows:

1. "Agricultural animal" means ~~the same as an agricultural animal as defined in section 717A.1 other than swine which is a member of the species *sus scrofa linnaeus*, including but not limited to swine commonly known as Russian boar or European boar of either sex.~~

Sec. 119. Section 717F.1, subsection 3, paragraph b, if enacted by 2007 Iowa Acts, Senate File 564,<sup>34</sup> section 1, is amended to read as follows:

b. "Circus" does not include a person, regardless of whether the person is a holder of a class "C" license as provided in paragraph "a", who ~~does any of the following:~~

~~(1) Keeps a dangerous wild animal which is a member of the order carnivora within the family felidae or the family ursidae, as described in this section.~~

~~(2) Uses the uses a dangerous wild animal for any of the following purposes:~~

~~(a) (1) A presentation to children at a public or nonpublic school as defined in section 280.2.~~

~~(b) (2) Entertainment that involves an activity in which a member of the public is in close proximity to the dangerous wild animal, including but not limited to a contest or a photographic opportunity.~~

Sec. 120. Section 717F.1, subsection 5, paragraph a, if enacted by 2007 Iowa Acts, Senate File 564,<sup>35</sup> section 1, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (11) Swine which is a member of the species *sus scrofa linnaeus*, including but not limited to swine commonly known as Russian boar or European boar of either sex.

Sec. 121. Section 717F.7, subsection 3, if enacted by 2007 Iowa Acts, Senate File 564,<sup>36</sup> section 7, is amended to read as follows:

3. A person who keeps falcons, if the person has been issued a falconry license by the department of natural resources pursuant to section 483A.1.

Sec. 122. Section 717F.7, subsection 13, if enacted by 2007 Iowa Acts, Senate File 564,<sup>37</sup> section 7, is amended to read as follows:

13. A location operated by a person licensed to practice veterinary medicine pursuant to chapter 169. However, this subsection shall not apply to a swine which is a member of the species *sus scrofa linnaeus*, including but not limited to swine commonly known as Russian boar or European boar of either sex.

Sec. 123. Section 717F.8, subsection 2, if enacted by 2007 Iowa Acts, Senate File 564,<sup>38</sup> section 8, is amended by adding the following new paragraph:

NEW PARAGRAPH. 1. Ten dollars for swine which is a member of the species *sus scrofa linnaeus*, including but not limited to swine commonly known as Russian boar or European boar of either sex.

Sec. 124. Section 909.3A, Code 2007, is amended to read as follows:

909.3A COMMUNITY SERVICE OPTION.

The court may, in its discretion, order the defendant to perform community service work of an equivalent value to the fine imposed where it appears that the community service work will be adequate to deter the defendant and to discourage others from similar criminal activity. The rate at which community service shall be calculated shall be the federal or state minimum wage, whichever is higher.

<sup>33</sup> Chapter 195 herein

<sup>34</sup> Chapter 195 herein

<sup>35</sup> Chapter 195 herein

<sup>36</sup> Chapter 195 herein

<sup>37</sup> Chapter 195 herein

<sup>38</sup> Chapter 195 herein

Sec. 125. REFUNDS. Refunds of taxes, interest, or penalties which arise from claims resulting from the amendment to section 423.3, subsection 89, in this division of this Act for the exemption of the sales of goods, wares, and merchandise, and the furnishing of services used in the fulfillment of a written construction contract for the original construction of a building or structure to be used as a collaborative educational facility occurring between May 15, 2007, and June 30, 2007, shall not be allowed unless refund claims are filed by October 1, 2007, notwithstanding any other provision of law.

Sec. 126. NATIVE WINE MANUFACTURERS — WINE GALLONAGE TAX EXEMPTION. Notwithstanding any provision of section 123.183 to the contrary, wine imported into this state prior to June 1, 2007, and used for manufacturing native wine shall not be subject to the wine gallonage tax as provided by that section.

Sec. 127. LEGISLATIVE PROPERTY TAX STUDY COMMITTEE.

1. A legislative property tax study committee is established. The study committee shall conduct a comprehensive review of property taxation in Iowa including but not limited to the continued use of property taxes as a major funding source for local governments and for local school districts in Iowa, the classification and assessment of property for property tax purposes and the impact of the tie between residential and agricultural property assessments, the level of consistency employed in classifying and assessing property for property tax purposes, the various exemptions and credits currently available to property taxpayers and the impact on local government and state budgets and on other taxpayers of providing those credits and exemptions, and the use of property taxes as an economic development tool and the impact on local and state government budgets and on other taxpayers of such use. In its study, the committee shall address the goals of property tax simplification and equity.

2. a. The committee shall be comprised of the following voting members:

(1) Five members who are members of the senate, three of whom shall be appointed by the majority leader of the senate and two of whom shall be appointed by the minority leader of the senate.

(2) Five members who are members of the house of representatives, three of whom shall be appointed by the speaker of the house of representatives and two of whom shall be appointed by the minority leader of the house of representatives.

b. The committee shall be comprised of the following nonvoting members who shall be appointed by the majority leader of the senate and the speaker of the house of representatives in consultation with the minority leaders of the senate and the house of representatives:

(1) One member from an association representing Iowa counties.

(2) One member from an association representing Iowa cities.

(3) One member from an association representing Iowa school boards.

(4) One member from an association representing agricultural property taxpayers.

(5) One member from an association representing Iowa commercial property taxpayers.

(6) One member from an association representing Iowa industrial taxpayers.

(7) One member representing residential taxpayers.

(8) One member from an association representing Iowa telecommunications property taxpayers.

(9) Representatives of other interests as designated by the legislative council.

c. The committee shall be comprised of the following nonvoting members who shall be appointed by the governor:

(1) A representative employed by the department of management.

(2) A representative employed by the department of revenue.

(3) A representative employed by the department of economic development.

3. The property tax study committee shall meet during the 2007 and 2008 legislative interims at the call of the chairperson. The committee is authorized to hold as many meetings as the committee deems necessary.

4. The property tax study committee may contract with one or more tax consultants or ex-

perts familiar with the Iowa property tax system. The legislative council, pursuant to its authority in section 2.42, may allocate to the study committee funding from moneys available to it in section 2.12 for the purpose of contracting with the consultant or expert.

5. The property tax study committee shall submit a final report to the general assembly on or before January 5, 2009. The final report shall include but not be limited to findings, analyses, and recommendations by the committee.

Sec. 128. RESEARCH AND DEVELOPMENT PREKINDERGARTEN THROUGH GRADE TWELVE SCHOOL — FEASIBILITY STUDY. The department of education and the university of northern Iowa shall convene a task force to study the feasibility of creating a research and development prekindergarten through grade twelve school for the state of Iowa. The task force shall include, at a minimum, university of northern Iowa faculty and representatives from other institutions governed by the state board of regents and from school districts which offer prekindergarten through grade twelve. The task force shall address the possibilities of creating a site where innovative and promising practices can be studied and implemented to improve the achievement of students in prekindergarten through grade twelve, processes in which the findings of such studies are shared with Iowa educators, and an appropriate governance structure, and shall address the necessary funding and funding sources for the school. The task force shall consider the existing laboratory school located at the university of northern Iowa as the site for the research and development prekindergarten through grade twelve school. The task force shall submit its findings and recommendations in a report to the general assembly, the state board of education, and the state board of regents by January 14, 2008.

Sec. 129. EFFECTIVE DATE.

1. The section of this division of this Act amending section 28D.3, subsection 4, being deemed of immediate importance, takes effect upon enactment.

2. The section of this division of this Act providing an exception to the imposition of the wine gallonage tax for native wine manufacturers, being deemed of immediate importance, takes effect upon enactment.

Sec. 130. EFFECTIVE DATE. The sections of this division of this Act amending section 321.34, subsections 8 and 12A, being deemed of immediate importance, take effect upon enactment.

Sec. 131. EFFECTIVE DATE. The section of this division of this Act establishing a prekindergarten through grade twelve feasibility study, being deemed of immediate importance, takes effect upon enactment.

Sec. 132. 2007 Iowa Acts, Senate File 403,<sup>39</sup> section 5, if enacted, is repealed.

Sec. 133. 2007 Iowa Acts, Senate File 403,<sup>40</sup> section 34, if enacted, is repealed.

Sec. 134. Section 811.2A, Code 2007, is repealed.

#### DIVISION VII ELDER SERVICES

Sec. 135. Section 231B.1, subsection 1, Code 2007, is amended to read as follows:

1. "Department" means the department of elder affairs inspections and appeals or the department's designee.

Sec. 136. Section 231B.1A, subsection 3, Code 2007, is amended by striking the subsection.

Sec. 137. Section 231B.2, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department shall establish by rule, in accordance with chapter 17A, minimum standards

<sup>39</sup> Chapter 206 herein; see also chapter 209, §3 herein

<sup>40</sup> Chapter 206 herein; see also chapter 131, §5 herein

for certification and monitoring of elder group homes. The department may adopt by reference, with or without amendment, nationally recognized standards and rules for elder group homes. The standards and rules shall be formulated in consultation with ~~the department of inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups; ~~shall be designed to accomplish the purposes of this chapter;~~ and shall include but not be limited to rules relating to all of the following:

Sec. 138. Section 231B.2, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. Requirements that elder group homes furnish the ~~department of elder affairs and the department of inspections and appeals~~ with specified information necessary to administer this chapter. All information related to the provider application for an elder group home presented to ~~either the department of inspections and appeals or the department of elder affairs~~ shall be considered a public record pursuant to chapter 22.

Sec. 139. Section 231B.2, subsection 2, Code 2007, is amended to read as follows:

2. Each elder group home operating in this state shall be certified by the department ~~of inspections and appeals~~.

Sec. 140. Section 231B.2, subsection 5, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The ~~department of inspections and appeals~~ may enter into contracts to provide certification and monitoring of elder group homes. The department ~~of inspections and appeals~~ shall:

Sec. 141. Section 231B.2, subsections 6, 7, 9, and 10, Code 2007, are amended to read as follows:

6. A department, agency, or officer of this state or of any governmental unit shall not pay or approve for payment from public funds any amount to an elder group home for an actual or prospective tenant, unless the program holds a current certificate issued by the department ~~of inspections and appeals~~ and meets all current requirements for certification.

7. The department shall adopt rules regarding the conducting or operating of another business or activity in the distinct part of the physical structure in which the elder group home is operated, if the business or activity serves persons who are not tenants. The rules shall be developed in consultation with ~~the department of inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups.

9. The ~~department of elder affairs and the department of inspections and appeals~~ shall conduct joint training sessions for personnel responsible for conducting monitoring evaluations and complaint investigations of elder group homes.

10. Certification shall be for two years unless revoked for good cause by the department ~~of inspections and appeals~~.

Sec. 142. Section 231B.3, subsection 2, Code 2007, is amended to read as follows:

2. A person who has knowledge that an elder group home is operating without certification shall report the name and address of the home to the department ~~of inspections and appeals~~. The department ~~of inspections and appeals~~ shall investigate a report made pursuant to this section.

Sec. 143. Section 231B.4, Code 2007, is amended to read as follows:

**231B.4 ZONING — FIRE AND SAFETY STANDARDS.**

An elder group home shall be located in an area zoned for single-family or multiple-family housing or in an unincorporated area and shall be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal. In the absence of local building codes, the facility shall comply with the state plumbing code established pursuant to section 135.11 and the state building code established pursuant to section 103A.7 and the rules adopted for the special classification by the state fire marshal.



The rules adopted for the special classification by the state fire marshal regarding second floor occupancy shall be adopted in consultation with the department of ~~elder affairs~~ and shall take into consideration the mobility of the tenants.

Sec. 144. Section 231B.5, subsection 3, Code 2007, is amended to read as follows:

3. Occupancy agreements and related documents executed by each tenant or tenant's legal representative shall be maintained by the elder group home from the date of execution until three years from the date the occupancy agreement is terminated. A copy of the most current occupancy agreement shall be provided to members of the general public, upon request. Occupancy agreements and related documents shall be made available for on-site inspection to the department of ~~inspections and appeals~~ upon request and at reasonable times.

Sec. 145. Section 231B.6, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

If an elder group home initiates the involuntary transfer of a tenant and the action is not a result of a monitoring evaluation or complaint investigation by the department of ~~inspections and appeals~~, and if the tenant or tenant's legal representative contests the transfer, the following procedure shall apply:

Sec. 146. Section 231B.6, subsection 2, Code 2007, is amended to read as follows:

2. The department, in consultation with the department of ~~inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups, shall establish by rule, in accordance with chapter 17A, procedures to be followed, including the opportunity for hearing, when the transfer of a tenant results from a monitoring evaluation or complaint investigation conducted by the department of ~~inspections and appeals~~.

Sec. 147. Section 231B.7, Code 2007, is amended to read as follows:

231B.7 COMPLAINTS.

1. Any person with concerns regarding the operations or service delivery of an elder group home may file a complaint with the department of ~~inspections and appeals~~. The name of the person who files a complaint with the department of ~~inspections and appeals~~ and any personal identifying information of the person or any tenant identified in the complaint shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department of ~~inspections and appeals~~' employees involved with the complaint.

2. The department, ~~in cooperation with the department of inspections and appeals~~, shall establish procedures for the disposition of complaints received in accordance with this section.

Sec. 148. Section 231B.8, Code 2007, is amended to read as follows:

231B.8 INFORMAL REVIEW.

1. If an elder group home contests the findings of regulatory insufficiencies of a monitoring evaluation or complaint investigation, the program shall submit written information, demonstrating that the program was in compliance with the applicable requirement at the time of the monitoring evaluation or complaint investigation of the regulatory insufficiencies, to the department of ~~inspections and appeals~~ for review.

2. The department of ~~inspections and appeals~~ shall review the written information submitted within ten working days of the receipt of the information. At the conclusion of the review, the department of ~~inspections and appeals~~ may affirm, modify, or dismiss the regulatory insufficiencies. The department of ~~inspections and appeals~~ shall notify the program in writing of the decision to affirm, modify, or dismiss the regulatory insufficiencies, and the reasons for the decision.

3. In the case of a complaint investigation, the department of ~~inspections and appeals~~ shall also notify the complainant, if known, of the decision and the reasons for the decision.

Sec. 149. Section 231B.9, Code 2007, is amended to read as follows:

231B.9 PUBLIC DISCLOSURE OF FINDINGS.

Upon completion of a monitoring evaluation or complaint investigation of an elder group home by the department of inspections and appeals pursuant to this chapter, including the conclusion of all administrative appeals processes, the department of inspections and appeals' ~~department's~~ final findings with respect to compliance by the elder group home with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an elder group home that is obtained by the department of inspections and appeals which does not constitute the department of inspections and appeals' ~~department's~~ final findings from a monitoring evaluation or complaint investigation of the elder group home shall ~~be made available to the department of elder affairs upon request to facilitate policy decisions, but shall~~ not be made available to the public except in proceedings involving the denial, suspension, or revocation of a certificate under this chapter.

Sec. 150. Section 231B.10, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department of inspections and appeals may deny, suspend, or revoke a certificate in any case where the department of inspections and appeals finds that there has been a substantial or repeated failure on the part of the elder group home to comply with this chapter or minimum standards adopted under this chapter or for any of the following reasons:

Sec. 151. Section 231B.10, subsection 2, Code 2007, is amended to read as follows:

2. The department of inspections and appeals may as an alternative to denial, suspension, or revocation conditionally issue or continue a certificate dependent upon the performance by the elder group home of reasonable conditions within a reasonable period of time as set by the department of inspections and appeals so as to permit the program to commence or continue the operation of the elder group home pending full compliance with this chapter or the rules adopted pursuant to this chapter. If the elder group home does not make diligent efforts to comply with the conditions prescribed, the department of inspections and appeals may, under the proceedings prescribed by this chapter, deny, suspend, or revoke the certificate. An elder group home shall not be operated on a conditional certificate for more than one year.

Sec. 152. Section 231B.11, Code 2007, is amended to read as follows:

231B.11 NOTICE — APPEAL — EMERGENCY PROVISIONS.

1. The denial, suspension, or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for such action. Such denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or certificate holder, within such thirty-day period, requests a hearing, in writing, of the department of inspections and appeals, in which case the notice shall be deemed to be suspended.

2. The denial, suspension, or revocation of a certificate may be appealed in accordance with rules adopted by the department of inspections and appeals in accordance with chapter 17A.

3. When the department of inspections and appeals finds that an imminent danger to the health or safety of a tenant of an elder group home exists which requires action on an emergency basis, the department of inspections and appeals may direct removal of all tenants of the elder group home and suspend the certificate prior to a hearing.

Sec. 153. Section 231B.12, Code 2007, is amended to read as follows:

231B.12 DEPARTMENT NOTIFIED OF CASUALTIES.

The department of inspections and appeals shall be notified within twenty-four hours, by the most expeditious means available, of any accident causing substantial injury or death to a tenant, and any substantial fire or natural or other disaster occurring at or near an elder group home.

Sec. 154. Section 231B.13, Code 2007, is amended to read as follows:

**231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.**

An elder group home shall not discriminate or retaliate in any way against a tenant, a tenant's family, or an employee of the elder group home who has initiated or participated in any proceeding authorized by this chapter. An elder group home that violates this section is subject to a penalty as established by administrative rule in accordance with chapter 17A, to be assessed and collected by the department of ~~inspections and appeals~~, paid into the state treasury, and credited to the general fund of the state.

Sec. 155. Section 231B.14, subsection 2, Code 2007, is amended to read as follows:

2. Following receipt of notice from the department of ~~inspections and appeals~~, continued failure or refusal to comply within a prescribed time frame with regulatory requirements that have a direct relationship to the health, safety, or security of elder group home tenants.

Sec. 156. Section 231B.14, subsection 3, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Preventing or interfering with or attempting to impede in any way any duly authorized representative of the department of ~~inspections and appeals~~ in the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this subsection, "lawful enforcement" includes but is not limited to:

Sec. 157. Section 231B.15, Code 2007, is amended to read as follows:

**231B.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.**

A person establishing, conducting, managing, or operating an elder group home without a certificate is guilty of a serious misdemeanor. Each day of continuing violation after conviction or notice from the department of ~~inspections and appeals~~ by certified mail of a violation shall be considered a separate offense. A person establishing, conducting, managing, or operating an elder group home without a certificate may be temporarily or permanently restrained by a court of competent jurisdiction from such activity in an action brought by the state.

Sec. 158. Section 231B.17, subsection 1, Code 2007, is amended to read as follows:

1. The department of ~~inspections and appeals~~ shall collect elder group home certification and related fees. Fees collected and retained pursuant to this section shall be deposited in the general fund of the state.

Sec. 159. Section 231B.20, Code 2007, is amended to read as follows:

**231B.20 NURSING ASSISTANT AND MEDICATION AIDE — CERTIFICATION.**

The department of ~~inspections and appeals~~, in cooperation with other appropriate agencies, shall establish a procedure to allow nursing assistants or medication aides to claim work within an elder group home as credit toward sustaining the nursing assistant's or medication aide's certification.

Sec. 160. Section 231C.1, subsection 3, Code 2007, is amended by striking the subsection and inserting in lieu thereof the following:

3. It is the intent of the general assembly that the department promote a social model for assisted living programs and a consultative process to assist with compliance by assisted living programs.

Sec. 161. Section 231C.2, subsection 3, Code 2007, is amended to read as follows:

3. "Department" means the department of ~~elder affairs created in chapter 231~~ inspections and appeals or the department's designee.

Sec. 162. Section 231C.3, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department shall establish by rule in accordance with chapter 17A minimum standards

for certification and monitoring of assisted living programs. The department may adopt by reference with or without amendment, nationally recognized standards and rules for assisted living programs. The rules shall include specification of recognized accrediting entities and provisions related to dementia-specific programs. The standards and rules shall be formulated in consultation with ~~the department of inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups; and shall be designed to accomplish the purposes of this chapter; and shall include but are not limited to rules relating to all of the following:

Sec. 163. Section 231C.3, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. Requirements that assisted living programs furnish the department of ~~elder affairs and the department of inspections and appeals~~ with specified information necessary to administer this chapter. All information related to a provider application for an assisted living program submitted to ~~either the department of elder affairs or the department of inspections and appeals~~ shall be considered a public record pursuant to chapter 22.

Sec. 164. Section 231C.3, subsection 2, Code 2007, is amended to read as follows:

2. Each assisted living program operating in this state shall be certified by the department of ~~inspections and appeals~~. If an assisted living program is voluntarily accredited by a recognized accrediting entity, the department of ~~inspections and appeals~~ shall certify the assisted living program on the basis of the voluntary accreditation. An assisted living program that is certified by the department of ~~inspections and appeals~~ on the basis of voluntary accreditation shall not be subject to payment of the certification fee prescribed in section 231C.18, but shall be subject to an administrative fee as prescribed by rule. An assisted living program certified under this section is exempt from the requirements of section 135.63 relating to certificate of need requirements.

Sec. 165. Section 231C.3, subsection 5, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department of ~~inspections and appeals~~ may enter into contracts to provide certification and monitoring of assisted living programs. The department of ~~inspections and appeals~~ shall:

Sec. 166. Section 231C.3, subsections 6, 7, 8, 10, and 11, Code 2007, are amended to read as follows:

6. The department may also establish by rule in accordance with chapter 17A minimum standards for subsidized and dementia-specific assisted living programs. The rules shall be formulated in consultation with ~~the department of inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups.

7. A department, agency, or officer of this state or of any governmental unit shall not pay or approve for payment from public funds any amount to an assisted living program for an actual or prospective tenant, unless the program holds a current certificate issued by the department of ~~inspections and appeals~~ and meets all current requirements for certification.

8. The department shall adopt rules regarding the conducting or operating of another business or activity in the distinct part of the physical structure in which the assisted living program is provided, if the business or activity serves nontenants. The rules shall be developed in consultation with ~~the department of inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups.

10. The department of ~~elder affairs and the department of inspections and appeals~~ shall conduct joint training sessions for personnel responsible for conducting monitoring evaluations and complaint investigations of assisted living programs.

11. Certification of an assisted living program shall be for two years unless certification is revoked for good cause by the department of ~~inspections and appeals~~.

Sec. 167. Section 231C.4, Code 2007, is amended to read as follows:

231C.4 FIRE AND SAFETY STANDARDS.

The state fire marshal shall adopt rules, in coordination with the department of elder affairs and the department of inspections and appeals, relating to the certification and monitoring of the fire and safety standards of certified assisted living programs.

Sec. 168. Section 231C.5, subsection 3, Code 2007, is amended to read as follows:

3. Occupancy agreements and related documents executed by each tenant or the tenant's legal representative shall be maintained by the assisted living program in program files from the date of execution until three years from the date the occupancy agreement is terminated. A copy of the most current occupancy agreement shall be provided to members of the general public, upon request. Occupancy agreements and related documents shall be made available for on-site inspection to the department of inspections and appeals upon request and at reasonable times.

Sec. 169. Section 231C.6, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

If an assisted living program initiates the involuntary transfer of a tenant and the action is not a result of a monitoring evaluation or complaint investigation by the department of inspections and appeals, and if the tenant or the tenant's legal representative contests the transfer, the following procedure shall apply:

Sec. 170. Section 231C.6, subsection 2, Code 2007, is amended to read as follows:

2. The department, in consultation with the department of inspections and appeals affected state agencies and affected industry, professional, and consumer groups, shall establish, by rule in accordance with chapter 17A, procedures to be followed, including the opportunity for hearing, when the transfer of a tenant results from a monitoring evaluation or complaint investigation conducted by the department of inspections and appeals.

Sec. 171. Section 231C.7, Code 2007, is amended to read as follows:

231C.7 COMPLAINTS.

1. Any person with concerns regarding the operations or service delivery of an assisted living program may file a complaint with the department of inspections and appeals. The name of the person who files a complaint with the department of inspections and appeals and any personal identifying information of the person or any tenant identified in the complaint shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department of inspections and appeals' employees involved with the complaint.

2. The department, in cooperation with the department of inspections and appeals, shall establish procedures for the disposition of complaints received in accordance with this section.

Sec. 172. Section 231C.8, Code 2007, is amended to read as follows:

231C.8 INFORMAL REVIEW.

1. If an assisted living program contests the regulatory insufficiencies of a monitoring evaluation or complaint investigation, the program shall submit written information, demonstrating that the program was in compliance with the applicable requirement at the time of the monitoring evaluation or complaint investigation, in support of the contesting of the regulatory insufficiencies, to the department of inspections and appeals for review.

2. The department of inspections and appeals shall review the written information submitted within ten working days of the receipt of the information. At the conclusion of the review, the department of inspections and appeals may affirm, modify, or dismiss the regulatory insufficiencies. The department of inspections and appeals shall notify the program in writing of the decision to affirm, modify, or dismiss the regulatory insufficiencies, and the reasons for the decision.

3. In the case of a complaint investigation, the department of inspections and appeals shall also notify the complainant, if known, of the decision and the reasons for the decision.

Sec. 173. Section 231C.9, Code 2007, is amended to read as follows:

**231C.9 PUBLIC DISCLOSURE OF FINDINGS.**

Upon completion of a monitoring evaluation or complaint investigation of an assisted living program by the department of inspections and appeals pursuant to this chapter, including the conclusion of all administrative appeals processes, the department of inspections and appeals' ~~department's~~ final findings with respect to compliance by the assisted living program with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an assisted living program that is obtained by the department of inspections and appeals which does not constitute the department of inspections and appeals' ~~department's~~ final findings from a monitoring evaluation or complaint investigation of the assisted living program shall be made available to the department of elder affairs upon request in order to facilitate policy decisions, but shall not be made available to the public except in proceedings involving the denial, suspension, or revocation of a certificate under this chapter.

Sec. 174. Section 231C.10, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department of inspections and appeals may deny, suspend, or revoke a certificate in any case where the department of inspections and appeals finds that there has been a substantial or repeated failure on the part of the assisted living program to comply with this chapter or the rules, or minimum standards adopted under this chapter, or for any of the following reasons:

Sec. 175. Section 231C.10, subsection 2, Code 2007, is amended to read as follows:

2. The department of inspections and appeals may as an alternative to denial, suspension, or revocation conditionally issue or continue a certificate dependent upon the performance by the assisted living program of reasonable conditions within a reasonable period of time as set by the department of inspections and appeals so as to permit the program to commence or continue the operation of the program pending full compliance with this chapter or the rules adopted pursuant to this chapter. If the assisted living program does not make diligent efforts to comply with the conditions prescribed, the department of inspections and appeals may, under the proceedings prescribed by this chapter, suspend, or revoke the certificate. An assisted living program shall not be operated on a conditional certificate for more than one year.

Sec. 176. Section 231C.11, Code 2007, is amended to read as follows:

**231C.11 NOTICE — APPEAL — EMERGENCY PROVISIONS.**

1. The denial, suspension, or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for such action. Such denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or certificate holder, within such thirty-day period, requests a hearing, in writing, of the department of inspections and appeals, in which case the notice shall be deemed to be suspended.

2. The denial, suspension, or revocation of a certificate may be appealed in accordance with rules adopted by the department of inspections and appeals in accordance with chapter 17A.

3. When the department of inspections and appeals finds that an imminent danger to the health or safety of tenants of an assisted living program exists which requires action on an emergency basis, the department of inspections and appeals may direct removal of all tenants of an assisted living program and suspend the certificate prior to a hearing.

Sec. 177. Section 231C.12, Code 2007, is amended to read as follows:

**231C.12 DEPARTMENT NOTIFIED OF CASUALTIES.**

The department of inspections and appeals shall be notified within twenty-four hours, by the most expeditious means available, of any accident causing substantial injury or death, and any substantial fire or natural or other disaster occurring at or near an assisted living program.

Sec. 178. Section 231C.13, Code 2007, is amended to read as follows:

**231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.**

An assisted living program shall not discriminate or retaliate in any way against a tenant, tenant's family, or an employee of the program who has initiated or participated in any proceeding authorized by this chapter. An assisted living program that violates this section is subject to a penalty as established by administrative rule in accordance with chapter 17A, to be assessed and collected by the department of inspections and appeals, paid into the state treasury, and credited to the general fund of the state.

Sec. 179. Section 231C.14, subsection 2, Code 2007, is amended to read as follows:

2. Following receipt of notice from the department of inspections and appeals, continued failure or refusal to comply within a prescribed time frame with regulatory requirements that have a direct relationship to the health, safety, or security of program tenants.

Sec. 180. Section 231C.14, subsection 3, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Preventing or interfering with or attempting to impede in any way any duly authorized representative of the department of inspections and appeals in the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this subsection, "lawful enforcement" includes but is not limited to:

Sec. 181. Section 231C.15, Code 2007, is amended to read as follows:

**231C.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.**

A person establishing, conducting, managing, or operating any assisted living program without a certificate is guilty of a serious misdemeanor. Each day of continuing violation after conviction or notice from the department of inspections and appeals by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing, or operating an assisted living program without a certificate may be temporarily or permanently restrained by a court of competent jurisdiction from such activity in an action brought by the state.

Sec. 182. Section 231C.16, Code 2007, is amended to read as follows:

**231C.16 NURSING ASSISTANT AND MEDICATION AIDE — CERTIFICATION.**

The department of inspections and appeals, in cooperation with other appropriate agencies, shall establish a procedure to allow nursing assistants or medication aides to claim work within an assisted living program as credit toward sustaining the nursing assistant's or medication aide's certification.

Sec. 183. Section 231C.18, subsection 1, Code 2007, is amended to read as follows:

1. The department of inspections and appeals shall collect assisted living program certification and related fees. An assisted living program that is certified by the department of inspections and appeals on the basis of voluntary accreditation by a recognized accrediting entity shall not be subject to payment of the certification fee, but shall be subject to an administrative fee as prescribed by rule. Fees collected and retained pursuant to this section shall be deposited in the general fund of the state.

Sec. 184. Section 231D.1, subsection 3, Code 2007, is amended to read as follows:

3. "Department" means the department of ~~elder affairs created in chapter 231~~ inspections and appeals.

Sec. 185. Section 231D.2, subsection 2, Code 2007, is amended by striking the subsection.

Sec. 186. Section 231D.2, subsections 3 and 4, Code 2007, are amended to read as follows:

3. The department shall establish, by rule in accordance with chapter 17A, a program for certification and monitoring of and complaint investigations related to adult day services programs. The department, in establishing minimum standards for adult day services programs,

may adopt by rule in accordance with chapter 17A, nationally recognized standards for adult day services programs. The rules shall include specification of recognized accrediting entities. The rules shall include a requirement that sufficient staffing be available at all times to fully meet a participant's identified needs. The rules shall include a requirement that no fewer than two staff persons who monitor participants as indicated in each participant's service plan shall be awake and on duty during the hours of operation when two or more participants are present. The rules and minimum standards adopted shall be formulated in consultation with the ~~department of inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups and shall be designed to accomplish the purpose of this chapter.

4. The department may establish by administrative rule, in accordance with chapter 17A, specific rules related to minimum standards for dementia-specific adult day services programs. The rules shall be formulated in consultation with the ~~department of inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups.

Sec. 187. Section 231D.3, subsections 1, 3, 4, 5, 6, and 7, Code 2007, are amended to read as follows:

1. A person or governmental unit acting severally or jointly with any other person or governmental unit shall not establish or operate an adult day services program and shall not represent an adult day services program to the public as certified unless and until the program is certified pursuant to this chapter. If an adult day services program is voluntarily accredited by a recognized accrediting entity with specific adult day services standards, the ~~department of inspections and appeals~~ shall accept voluntary accreditation as the basis for certification by the department. The owner or manager of a certified adult day services program shall comply with the rules adopted by the department for an adult day services program.

3. An adult day services program that has been certified by the ~~department of inspections and appeals~~ shall not alter the program, operation, or adult day services for which the program is certified in a manner that affects continuing certification without prior approval of the ~~department of inspections and appeals~~. The ~~department of inspections and appeals~~ shall specify, by rule, alterations that are subject to prior approval.

4. A department, agency, or officer of this state or of any governmental unit shall not pay or approve for payment from public funds any amount to an adult day services program for an actual or prospective participant, unless the program holds a current certificate issued by the ~~department of inspections and appeals~~ and meets all current requirements for certification.

5. The department shall adopt rules regarding the conducting or operating of another business or activity in the distinct part of the physical structure in which the adult day services program is provided, if the business or activity serves persons who are not participants. The rules shall be developed in consultation with the ~~department of inspections and appeals~~ affected state agencies and affected industry, professional, and consumer groups.

6. The ~~department of elder affairs and the department of inspections and appeals~~ shall conduct joint training sessions for personnel responsible for conducting monitoring evaluations and complaint investigations of adult day services programs.

7. Certification of an adult day services program shall be for two years unless revoked for good cause by the ~~department of inspections and appeals~~.

Sec. 188. Section 231D.4, subsection 1, Code 2007, is amended to read as follows:

1. Certificates for adult day services programs shall be obtained from the ~~department of inspections and appeals~~. Applications shall be upon such forms and shall include such information as the ~~department of inspections and appeals~~ may reasonably require, which may include affirmative evidence of compliance with applicable statutes and local ordinances. Each application for certification shall be accompanied by the appropriate fee.

Sec. 189. Section 231D.4, subsection 2, paragraph a, Code 2007, is amended to read as follows:

a. The ~~department of inspections and appeals~~ shall collect adult day services certification fees. The fees shall be deposited in the general fund of the state.



Sec. 190. Section 231D.5, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The department of inspections and appeals may deny, suspend, or revoke certification if the department of inspections and appeals finds that there has been a substantial or repeated failure on the part of the adult day services program to comply with this chapter or the rules or minimum standards adopted pursuant to this chapter, or for any of the following reasons:

Sec. 191. Section 231D.5, subsection 3, Code 2007, is amended to read as follows:

3. In the case of a certificate applicant or existing certificate holder which is an entity other than an individual, the department of inspections and appeals may deny, suspend, or revoke a certificate if any individual who is in a position of control or is an officer of the entity engages in any act or omission proscribed by this section.

Sec. 192. Section 231D.6, Code 2007, is amended to read as follows:

231D.6 NOTICE — APPEAL — EMERGENCY PROVISIONS.

1. The denial, suspension, or revocation of a certificate shall be effected by delivering to the applicant or certificate holder by restricted certified mail or by personal service a notice setting forth the particular reasons for the action. The denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or certificate holder, within the thirty-day period, requests a hearing, in writing, of the department of inspections and appeals, in which case the notice shall be deemed to be suspended.

2. The denial, suspension, or revocation of a certificate may be appealed in accordance with rules adopted by the department of inspections and appeals in accordance with chapter 17A.

3. When the department of inspections and appeals finds that an immediate danger to the health or safety of participants in an adult day services program exists which requires action on an emergency basis, the department of inspections and appeals may direct the removal of all participants in the adult day services program and suspend the certificate prior to a hearing.

Sec. 193. Section 231D.7, Code 2007, is amended to read as follows:

231D.7 CONDITIONAL OPERATION.

The department of inspections and appeals may, as an alternative to denial, suspension, or revocation of certification under section 231D.5, conditionally issue or continue certification dependent upon the performance by the adult day services program of reasonable conditions within a reasonable period of time as prescribed by the department of inspections and appeals so as to permit the program to commence or continue the operation of the program pending full compliance with this chapter or the rules adopted pursuant to this chapter. If the adult day services program does not make diligent efforts to comply with the conditions prescribed, the department of inspections and appeals may, under the proceedings prescribed by this chapter, suspend or revoke the certificate. An adult day services program shall not be operated under conditional certification for more than one year.

Sec. 194. Section 231D.8, Code 2007, is amended to read as follows:

231D.8 DEPARTMENT NOTIFIED OF CASUALTIES.

The department of inspections and appeals shall be notified within twenty-four hours, by the most expeditious means available, of any accident causing substantial injury or death, and any substantial fire or natural or other disaster occurring at or near an adult day services program.

Sec. 195. Section 231D.9, Code 2007, is amended to read as follows:

231D.9 COMPLAINTS AND CONFIDENTIALITY.

1. A person with concerns regarding the operations or service delivery of an adult day services program may file a complaint with the department of inspections and appeals. The name of the person who files a complaint with the department of inspections and appeals and any personal identifying information of the person or any participant identified in the complaint shall be kept confidential and shall not be subject to discovery, subpoena, or other means of

legal compulsion for its release to a person other than employees of the department of ~~inspections and appeals~~ involved in the investigation of the complaint.

2. The department, ~~in cooperation with the department of inspections and appeals~~, shall establish procedures for the disposition of complaints received in accordance with this section.

Sec. 196. Section 231D.9A, Code 2007, is amended to read as follows:

231D.9A INFORMAL REVIEW.

1. If an adult day services program contests the findings of regulatory insufficiencies of a monitoring evaluation or complaint investigation, the program shall submit written information, demonstrating that the program was in compliance with the applicable requirement at the time of the monitoring evaluation or complaint investigation, to the department of ~~inspections and appeals~~ for review.

2. The department of ~~inspections and appeals~~ shall review the written information submitted within ten working days of the receipt of the information. At the conclusion of the review, the department of ~~inspections and appeals~~ may affirm, modify, or dismiss the regulatory insufficiencies. The department of ~~inspections and appeals~~ shall notify the program in writing of the decision to affirm, modify, or dismiss the regulatory insufficiencies, and the reasons for the decision.

3. In the case of a complaint investigation, the department of ~~inspections and appeals~~ shall also notify the complainant, if known, of the decision and the reasons for the decision.

Sec. 197. Section 231D.10, Code 2007, is amended to read as follows:

231D.10 PUBLIC DISCLOSURE OF FINDINGS.

Upon completion of a monitoring evaluation or complaint investigation of an adult day services program by the department of ~~inspections and appeals~~ pursuant to this chapter, including the conclusion of all administrative appeals processes, the department's final findings with respect to compliance by the adult day services program with requirements for certification shall be made available to the public in a readily available form and place. Other information relating to an adult day services program that is obtained by the department of ~~inspections and appeals~~ which does not constitute the department's final findings from a monitoring evaluation or complaint investigation of the adult day services program shall ~~be made available to the department upon request to facilitate policy decisions, but shall not be made available to the public except in proceedings involving the denial, suspension, or revocation of a certificate under this chapter.~~

Sec. 198. Section 231D.11, subsection 1, Code 2007, is amended to read as follows:

1. A person establishing, conducting, managing, or operating an adult day services program without a certificate is guilty of a serious misdemeanor. Each day of continuing violation after conviction or notice from the department of ~~inspections and appeals~~ by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing, or operating an adult day services program without a certificate may be temporarily or permanently restrained by a court of competent jurisdiction from such activity in an action brought by the state.

Sec. 199. Section 231D.11, subsection 2, paragraph c, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Preventing or interfering with or attempting to impede in any way any duly authorized representative of the department of ~~inspections and appeals~~ in the lawful enforcement of this chapter or of the rules adopted pursuant to this chapter. As used in this paragraph, "lawful enforcement" includes but is not limited to:

Sec. 200. Section 231D.12, Code 2007, is amended to read as follows:

231D.12 RETALIATION BY ADULT DAY SERVICES PROGRAM PROHIBITED.

1. An adult day services program shall not discriminate or retaliate in any way against a participant, participant's family, or an employee of the program who has initiated or participated

in any proceeding authorized by this chapter. An adult day services program that violates this section is subject to a penalty as established by administrative rule, to be assessed and collected by the department of inspections and appeals, paid into the state treasury, and credited to the general fund of the state.

2. Any attempt to discharge a participant from an adult day services program by whom or upon whose behalf a complaint has been submitted to the department of inspections and appeals under section 231D.9, within ninety days after the filing of the complaint or the conclusion of any proceeding resulting from the complaint, shall raise a rebuttable presumption that the action was taken by the program in retaliation for the filing of the complaint, except in situations in which the participant is discharged due to changes in health status which exceed the level of care offered by the adult day services program or in other situations as specified by rule.

Sec. 201. Section 231D.13, Code 2007, is amended to read as follows:

231D.13 NURSING ASSISTANT AND MEDICATION AIDE — CERTIFICATION.

The department of inspections and appeals, in cooperation with other appropriate agencies, shall establish a procedure to allow nursing assistants or medication aides to claim work within adult day services programs as credit toward sustaining the nursing assistant's or medication aide's certification.

Sec. 202. Section 231D.15, Code 2007, is amended to read as follows:

231D.15 FIRE AND SAFETY STANDARDS.

The state fire marshal shall adopt rules, in coordination with the department of elder affairs and the department of inspections and appeals, relating to the certification and monitoring of the fire and safety standards of adult day services programs.

Sec. 203. Section 231D.17, subsection 3, Code 2007, is amended to read as follows:

3. Written contractual agreements and related documents executed by each participant or participant's legal representative shall be maintained by the adult day services program in program files from the date of execution until three years from the date the written contractual agreement is terminated. A copy of the most current written contractual agreement shall be provided to members of the general public, upon request. Written contractual agreements and related documents shall be made available for on-site inspection to the department of inspections and appeals upon request and at reasonable times.

Sec. 204. Section 231D.18, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

If an adult day services program initiates the involuntary transfer of a participant and the action is not a result of a monitoring evaluation or complaint investigation by the department of inspections and appeals, and if the participant or participant's legal representative contests the transfer, the following procedure shall apply:

Sec. 205. Section 231D.18, subsection 2, Code 2007, is amended to read as follows:

2. The department, in consultation with the department of inspections and appeals affected state agencies and affected industry, professional, and consumer groups, shall establish by rule, in accordance with chapter 17A, procedures to be followed, including the opportunity for hearing, when the transfer of a participant results from a monitoring evaluation or complaint investigation conducted by the department of inspections and appeals.

Sec. 206. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

1. Any rule, regulation, form, order, or directive promulgated by the department of elder affairs and in effect on the effective date of this Act shall continue in full force and effect until amended, repealed, or supplemented by affirmative action of the department of inspections and appeals under the duties and powers of the department of inspections and appeals as established in this Act and under the procedure established in subsection 2.

Any license, certification, or permit issued by the department of elder affairs and in effect on the effective date of this Act shall continue in full force and effect until expiration or renewal.

2. In regard to updating references and format in the Iowa administrative code in order to correspond to the restructuring of state government as established in this Act, the administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code.

#### DIVISION VIII FOOD INSPECTIONS

Sec. 207. Section 137C.6, Code 2007, is amended to read as follows:

##### 137C.6 AUTHORITY TO ENFORCE.

1. The director shall regulate, license, and inspect hotels and enforce the Iowa hotel sanitation code in Iowa. Municipal corporations shall not regulate, license, inspect, or collect license fees from hotels except as provided for in the Iowa hotel sanitation code.

2. If a municipal corporation wants its local board of health to license, inspect, and otherwise enforce the Iowa hotel sanitation code within its jurisdiction, the municipal corporation may enter into an agreement to do so with the director. The director may enter into the agreement if the director finds that the local board of health has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa hotel sanitation code if it also agrees to enforce the Iowa food code rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to section 137F.3 137F.2.

3. A local board of health that is responsible for enforcing the Iowa hotel sanitation code within its jurisdiction pursuant to an agreement, shall make an annual report to the director providing the following information:

1. a. The total number of hotel licenses granted or renewed during the year.
2. b. The number of hotel licenses granted or renewed during the year broken down into the following categories:
  - a. (1) Hotels containing fifteen guest rooms or less.
  - b. (2) Hotels containing more than fifteen but less than thirty-one guest rooms.
  - c. (3) Hotels containing more than thirty but less than seventy-six guest rooms.
  - d. (4) Hotels containing more than seventy-five but less than one hundred fifty guest rooms.
  - e. (5) Hotels containing one hundred fifty or more guest rooms.

3. c. The amount of money collected in license fees during the year.
4. d. Other information the director requests.

4. The director shall monitor local boards of health to determine if they are enforcing the Iowa hotel sanitation code within their respective jurisdictions. If the director determines that the Iowa hotel sanitation code is enforced by a local board of health, such enforcement shall be accepted in lieu of enforcement by the department in that jurisdiction. If the director determines that the Iowa hotel sanitation code is not enforced by a local board of health, the director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the director shall assume responsibility for enforcement in the jurisdiction involved.

Sec. 208. Section 137C.9, Code 2007, is amended to read as follows:

##### 137C.9 LICENSE FEES.

1. Either the department or the municipal corporation shall collect the following annual license fees:

1. a. For a hotel containing fifteen guest rooms or less, twenty twenty-seven dollars.
2. b. For a hotel containing more than fifteen but less than thirty-one guest rooms, thirty forty dollars and fifty cents.

3. ~~c.~~ For a hotel containing more than thirty but less than seventy-six guest rooms, ~~forty fifty-four~~ dollars.

4. ~~d.~~ For a hotel containing more than seventy-five but less than one hundred fifty guest rooms, ~~fifty fifty-seven~~ dollars ~~and fifty cents~~.

5. ~~e.~~ For a hotel containing one hundred fifty or more guest rooms, ~~seventy-five one hundred one~~ dollars ~~and twenty-five cents~~.

2. Fees collected by the department shall be deposited in the general fund of the state. Fees collected by a municipal corporation shall be retained by it and for its use.

Sec. 209. Section 137D.2, subsection 1, Code 2007, is amended to read as follows:

1. A person shall not open or operate a home food establishment until a license has been obtained from the department of inspections and appeals. The department shall collect a fee of ~~twenty-five thirty-three~~ dollars ~~and seventy-five cents~~ for a license. After collection, the fees shall be deposited in the general fund of the state. A license shall expire one year from date of issue. A license is renewable.

Sec. 210. Section 137F.1, subsection 7, Code 2007, is amended by striking the subsection.

Sec. 211. Section 137F.1, subsection 8, unnumbered paragraph 1, Code 2007, is amended to read as follows:

“Food establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption and includes a food service operation in a salvage or distressed food operation, school, summer camp, residential service substance abuse treatment facility, halfway house substance abuse treatment facility, correctional facility operated by the department of corrections, the state training school, or the Iowa juvenile home. “Food establishment” does not include the following:

Sec. 212. Section 137F.2, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

137F.2 ADOPTION BY RULE.

The department shall, in accordance with chapter 17A, adopt rules setting minimum standards for entities covered under this chapter to protect consumers from foodborne illness. In so doing, the department may adopt by reference, with or without amendment, the United States food and drug administration food code, which shall be specified by title and edition, date of publication, or similar information. The rules and standards shall be formulated in consultation with municipal corporations under agreement with the department, affected state agencies, and industry, professional, and consumer groups.

Sec. 213. Section 137F.3, Code 2007, is amended to read as follows:

137F.3 AUTHORITY TO ENFORCE.

1. The director shall regulate, license, and inspect food establishments and food processing plants and enforce this chapter pursuant to rules adopted by the department in accordance with chapter 17A. Municipal corporations shall not regulate, license, inspect, or collect license fees from food establishments and food processing plants, except as provided in this section.

2. A municipal corporation may enter into an agreement with the director to provide that the municipal corporation shall license, inspect, and otherwise enforce this chapter within its jurisdiction. The director may enter into the agreement if the director finds that the municipal corporation has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the Iowa food code rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to this section 137F.2 if it also agrees to enforce the Iowa hotel sanitation code pursuant to section 137C.6. However, the department shall license and inspect all food processing plants which manufacture, package, or label food products. A municipal corporation may license and inspect, as authorized by this section, food processing plants whose operations are limited to the storage of food products.

3. If the director enters into an agreement with a municipal corporation as provided by this section, the director shall provide that the inspection practices of a municipal corporation are spot-checked on a regular basis.

4. A municipal corporation that is responsible for enforcing this chapter within its jurisdiction pursuant to an agreement shall make an annual report to the director providing the following information:

1. a. The total number of licenses granted or renewed by the municipal corporation under this chapter during the year.

2. b. The number of licenses granted or renewed by the municipal corporation under this chapter during the year in each of the following categories:

a. (1) Food establishments.

b. (2) Food processing plants.

c. (3) Mobile food units and pushcarts.

d. (4) Temporary food establishments.

e. (5) Vending machines.

3. c. The amount of money collected in license fees during the year.

d. The amount expended to perform the functions required under the agreement, submitted on a form prescribed by the department.

4. e. Other information the director requests.

5. The director shall monitor municipal corporations which have entered into an agreement pursuant to this section to determine if they are enforcing this chapter within their respective jurisdictions. If the director determines that this chapter is not enforced by a municipal corporation, the director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the director shall assume responsibility for enforcement in the jurisdiction involved.

6. The inspection staff of a municipal corporation that has entered into an agreement with the director to enforce this chapter shall be required by the department to apply the current rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to section 137F.2 to ensure consistency in application of the rules. A municipal corporation's failure to comply may result in the department rescinding the agreement with the municipal corporation, after reasonable notice and an opportunity for a hearing.

Sec. 214. Section 137F.3A, Code 2007, is amended to read as follows:

137F.3A MUNICIPAL CORPORATION INSPECTIONS — CONTINGENT APPROPRIATION.

1. If a municipal corporation operating pursuant to a chapter 28E agreement with the department of inspections and appeals to enforce this chapter and chapters 137C and 137D either fails to renew the agreement effective after July 1, 2005, but before July 1, 2007, April 1, 2007, or discontinues prior to July 1, 2007, after April 1, 2007, enforcement activities in one or more jurisdictions during the agreement time frame, or the department of inspections and appeals cancels an agreement prior to July 1, 2007, after April 1, 2007, due to noncompliance with the terms of the agreement, the department of inspections and appeals may employ additional full-time equivalent positions for the fiscal years ending prior to July 1, 2007, to enforce the provisions of the chapters, with the approval of the department of management. Before approval is given, the director of the department of management shall determine that the expenses exceed the funds budgeted by the general assembly for food inspections to the department of inspections and appeals. The department of inspections and appeals may hire no more than one full-time equivalent position for each six hundred inspections required pursuant to this chapter and chapters 137C and 137D.

2. Notwithstanding chapter 137D, and sections 137C.9 and 137F.6, if the conditions described in this section are met, fees imposed pursuant to that chapter and those sections shall be retained by and are appropriated to the department of inspections and appeals for the each fiscal years ending prior to July 1, 2007, year to provide for salaries, support, maintenance, and miscellaneous purposes associated with the additional inspections. The appropriation made

in this subsection is not applicable in a fiscal year for which the general assembly enacts an appropriation made for the purposes described in this subsection.

3. This section is repealed July 1, 2007.

Sec. 215. Section 137F.6, Code 2007, is amended to read as follows:

137F.6 LICENSE FEES.

1. The regulatory authority shall collect the following annual license fees:

1. a. For a mobile food unit or pushcart, ~~twenty~~ twenty-seven dollars.

2. b. For a temporary food establishment per fixed location, ~~twenty-five~~ thirty-three dollars and fifty cents.

3. c. For a vending machine, twenty dollars for the first machine and five dollars for each additional machine.

4. d. For a food establishment which prepares or serves food for individual portion service intended for consumption on-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows:

a. (1) Annual gross sales of under fifty thousand dollars, ~~fifty~~ sixty-seven dollars and fifty cents.

b. (2) Annual gross sales of at least fifty thousand dollars but less than one hundred thousand dollars, ~~eighty-five~~ one hundred fourteen dollars and fifty cents.

c. (3) Annual gross sales of at least one hundred thousand dollars but less than two hundred fifty thousand dollars, ~~one hundred seventy-five~~ two hundred thirty-six dollars and twenty-five cents.

d. (4) Annual gross sales of two hundred fifty thousand dollars but less than five hundred thousand dollars, two hundred seventy-five dollars.

e. (5) Annual gross sales of five hundred thousand dollars or more, ~~two hundred twenty-five~~ three hundred three dollars and seventy-five cents.

5. e. For a food establishment which sells food or food products to consumer customers intended for preparation or consumption off-the-premises, the annual license fee shall correspond to the annual gross food and beverage sales of the food establishment, as follows:

a. (1) Annual gross sales of under ten thousand dollars, ~~thirty~~ forty dollars and fifty cents.

b. (2) Annual gross sales of at least ten thousand dollars but less than two hundred fifty thousand dollars, ~~seventy-five~~ one hundred one dollars and twenty-five cents.

c. (3) Annual gross sales of at least two hundred fifty thousand dollars but less than five hundred thousand dollars, ~~one hundred fifteen~~ one hundred fifty-five dollars and twenty-five cents.

d. (4) Annual gross sales of at least five hundred thousand dollars but less than seven hundred fifty thousand dollars, ~~one hundred fifty~~ two hundred two dollars and fifty cents.

e. (5) Annual gross sales of seven hundred fifty thousand dollars or more, ~~two hundred twenty-five~~ three hundred three dollars and seventy-five cents.

6. f. For a food processing plant, the annual license fee shall correspond to the annual gross food and beverage sales of the food processing plant, as follows:

a. (1) Annual gross sales of under fifty thousand dollars, ~~fifty~~ sixty-seven dollars and fifty cents.

b. (2) Annual gross sales of at least fifty thousand dollars but less than two hundred fifty thousand dollars, one hundred thirty-five dollars.

c. (3) Annual gross sales of at least two hundred fifty thousand dollars but less than five hundred thousand dollars, ~~one hundred fifty~~ two hundred two dollars and fifty cents.

d. (4) Annual gross sales of five hundred thousand dollars or more, ~~two hundred fifty~~ three hundred thirty-seven dollars and fifty cents.

7. g. For a farmers market where potentially hazardous food is sold or distributed, one seasonal license fee of one hundred dollars for each vendor on a countywide basis.

A food establishment covered by ~~subsections 4 and 5~~ paragraphs "d" and "e" shall be assessed license fees not to exceed seventy-five percent of the total fees applicable under both subsections paragraphs.

2. If an establishment licensed under subsection 1, paragraph “d” or “e”, has had a person in charge for the entire previous twelve-month period who holds an active certified food protection manager certificate from a program approved by the conference on food protection and the establishment has not been issued a critical violation during the previous twelve-month period, the establishment’s license fee for the current renewal period shall be reduced by fifty dollars.

3. Fees collected by the department shall be deposited in the general fund of the state. Fees collected by a municipal corporation shall be retained by the municipal corporation for regulation of food establishments and food processing plants licensed under this chapter.

4. Each vending machine licensed under this chapter shall bear a readily visible identification tag or decal provided by the licensee, containing the licensee’s business address and phone number, and a company license number assigned by the regulatory authority.

Sec. 216. Section 137F.10, Code 2007, is amended to read as follows:

137F.10 REGULAR INSPECTIONS.

The appropriate regulatory authority shall provide for the inspection of each food establishment and food processing plant in this state in accordance with this chapter and with rules adopted pursuant to this chapter in accordance with chapter 17A. A regulatory authority may enter a food establishment or food processing plant at any reasonable hour to conduct an inspection. The manager or person in charge of the food establishment or food processing plant shall afford free access to every part of the premises and render all aid and assistance necessary to enable the regulatory authority to make a thorough and complete inspection. As part of the inspection process, the regulatory authority shall provide an explanation of the violation or violations cited and provide guidance as to actions for correction and elimination of the violation or violations.

Sec. 217. NEW SECTION. 137F.11A POSTING OF INSPECTION REPORTS.

An establishment inspected under this chapter shall post the most recent routine inspection report, along with any current complaint or reinspection reports, in a location at the establishment that is readily visible to the public.

Sec. 218. Section 196.3, Code 2007, is amended to read as follows:

196.3 EGG HANDLER’S LICENSE AND FEE.

1. Every egg handler shall obtain an annual license from the department. The fee for the license shall be determined on the basis of the total number of eggs purchased or handled during the preceding month of April in each calendar year as follows:

1. <u>a.</u> Less than one hundred twenty-five cases .....	\$ 15.00
	<u>20.20</u>
2. <u>b.</u> One hundred twenty-five cases or more but less than two hundred fifty cases .....	\$ 35.00
	<u>47.25</u>
3. <u>c.</u> Two hundred fifty cases or more but less than one thousand cases .....	\$ 50.00
	<u>67.50</u>
4. <u>d.</u> One thousand cases or more but less than five thousand cases .....	\$100.00
	<u>135.00</u>
5. <u>e.</u> Five thousand cases or more but less than ten thousand cases .....	\$175.00
	<u>236.25</u>
6. <u>f.</u> Ten thousand cases or more .....	\$250.00
	<u>337.50</u>



2. The license shall expire one year after its date of issue. For the purpose of determining fees, a case shall be thirty dozen eggs. All fees collected shall be remitted to the treasurer of state for deposit in the general fund of the state.

3. If an egg handler is not operating during the month of April, the department shall estimate the volume of eggs purchased or handled, or both, and may revise the fee based on three months of operation.

Sec. 219. Section 331.756, subsection 32, Code 2007, is amended to read as follows:

32. Assist the department of inspections and appeals in the enforcement of the Iowa food code rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to section 137F.2 and the Iowa hotel sanitation code, as provided in sections 137F.19 and 137C.30.

Sec. 220. FOOD CODE APPLICABILITY — TEMPORARY PROVISIONS. Pending the adoption of rules pursuant to section 137F.2, as amended by this division of this Act, the 1997 edition of the United States food and drug administration food code, with the amendments or exceptions thereto in effect prior to the effective date of this division of this Act, shall continue in effect.

Sec. 221. EFFECTIVE DATE. The section of this division of this Act amending section 137F.3A, being deemed of immediate importance, takes effect upon enactment.

#### DIVISION IX ABSENTEE BALLOT AFFIDAVITS

Sec. 222. Section 39A.4, subsection 1, paragraph c, subparagraphs (11) and (12), Code 2007, as amended by 2007 Iowa Acts, House File 848,<sup>41</sup> section 20, are amended to read as follows:

(11) Returning a voted absentee ballot, by mail or in person, to the commissioner's office and the person returning the ballot is not the voter, an immediate family member authorized by the voter to return the ballot, an absentee ballot courier the voter's designee, or a special precinct election official designated pursuant to section 53.22, subsection 1, or the designee of a voter described in section 53.22, subsection 5.

(12) Making a false or untrue statement reporting that a voted absentee ballot was returned to the commissioner's office, by mail or in person, by a person other than the voter, an immediate family member authorized by the voter to return the ballot, an absentee ballot courier the voter's designee, or a special precinct election official designated pursuant to section 53.22, subsection 1, or the designee of a voter described in section 53.22, subsection 5.

Sec. 223. Section 53.8, subsection 2, Code 2007, as amended by 2007 Iowa Acts, House File 848,<sup>42</sup> section 25, is amended to read as follows:

2. a. The commissioner shall enclose with the absentee ballot a statement informing the applicant that the sealed carrier envelope may be mailed to the commissioner by the registered voter or the voter's designee or may be personally delivered to the commissioner's office by the registered voter or the voter's designee. The statement shall also inform the voter that the voter may request that the voter's designee complete a receipt when retrieving the ballot from the voter. A blank receipt shall be enclosed with the absentee ballot.

b. If an application is received so late that it is unlikely that the absentee ballot can be returned in time to be counted on election day, the commissioner shall enclose with the absentee ballot a statement to that effect. The statement shall also point out that it is possible for the applicant, an immediate family member of the applicant, or the applicant's designee if the absentee ballot is voted by a voter described in section 53.22, subsection 5, to personally deliver the completed absentee ballot to the office of the commissioner at any time before the closing

<sup>41</sup> Chapter 59 herein

<sup>42</sup> Chapter 59 herein

of the polls on election day. The statement shall also point out that it is possible for an absentee ballot courier to personally deliver the completed absentee ballot to the office of the commissioner within seventy-two hours of retrieving the completed ballot or before the closing of the polls on election day, whichever is earlier.

Sec. 224. Section 53.10, unnumbered paragraph 2, Code 2007, is amended to read as follows:

Each person who wishes to vote by absentee ballot at the commissioner's office shall first sign an application for a ballot including the following information: name, current address, and the election for which the ballot is requested. The person may report a change of address or other information on the person's voter registration record at that time. The registered voter shall immediately mark the ballot; enclose the ballot in a secrecy envelope, if necessary, and seal it in a ballot an affidavit envelope; subscribe to the affidavit on the reverse side of the envelope; and return the absentee ballot to the commissioner. The commissioner shall record the numbers appearing on the application and ~~ballot~~ affidavit envelope along with the name of the registered voter.

Sec. 225. Section 53.17, subsection 1, paragraph a, Code 2007, as amended by 2007 Iowa Acts, House File 848,<sup>43</sup> section 27, is amended by striking the paragraph and inserting in lieu thereof the following:

a. The sealed carrier envelope may be delivered by the registered voter, by the voter's designee, or by the special precinct election officials designated pursuant to section 53.22, subsection 1, to the commissioner's office no later than the time the polls are closed on election day. However, if delivered by the voter's designee, the envelope shall be delivered within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier.

Sec. 226. Section 53.17, subsection 1, paragraphs b and c, Code 2007, are amended to read as follows:

b. The sealed carrier envelope may be mailed to the commissioner by the registered voter, ~~by an immediate family member of the voter~~, or by the voter's designee ~~if the ballot is voted by a voter described in section 53.22, subsection 5. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter or within time to be postmarked not later than the day before the election, whichever is earlier.~~

c. ~~The sealed carrier envelope may be delivered to the commissioner by an absentee ballot courier, but only as provided in subsection 4.~~

Sec. 227. Section 53.17, subsection 4, Code 2007, is amended by striking the subsection and inserting in lieu thereof the following:

4. When a person designated by the voter retrieves a completed absentee ballot from the voter, the designee shall, upon request of the voter, fill out a receipt to be retained by the voter. The state commissioner shall prescribe a form for receipts required by this subsection. The receipt shall include all of the following:

- a. The name of the voter's designee.
- b. The date and time the completed absentee ballot was received from the voter.
- c. The name and date of the election for which the absentee ballot is being voted.
- d. The name of the political party, candidate, or committee for which the designee is acting as an actual or implied agent, if applicable.
- e. A telephone number at which the voter's designee may be contacted.
- f. A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier, or that the completed absentee ballot will be mailed to the commissioner within seventy-two hours of retrieving it from the voter or within time to be postmarked not later than the day before the election, whichever is earlier.

<sup>43</sup> See chapter 59 herein

Sec. 228. Section 53.17, subsection 5, Code 2007, is amended by striking the subsection.

Sec. 229. Section 53.18, Code 2007, is amended to read as follows:

53.18 MANNER OF PRESERVING BALLOT AND APPLICATION — REVIEW OF AFFIDAVIT — REPLACEMENT BALLOTS.

1. Upon receipt of When the return carrier envelope containing the completed absentee ballot is received by the commissioner, the commissioner shall at once record the number appearing on the application and return carrier envelope and time of receipt of such ballot and attach the elector's application to the unopened envelope. Absentee ballots shall be stored in a secure place until they are delivered to the absentee and special voters precinct board.

2. If the commissioner receives the return carrier envelope containing the completed absentee ballot by five p.m. on the Saturday before the election for general and primary elections and by five p.m. on the Friday before the election for all other elections, the commissioner shall open the envelope to review the affidavit for any deficiencies. If the affidavit contains a deficiency that would cause the ballot to be rejected, the commissioner shall, within twenty-four hours of the time the envelope was received, notify the voter of that fact and that the voter may correct the deficiency by five p.m. on the day before the election.

3. If the affidavit envelope is open when received by the commissioner, or has been opened and resealed, or if the ballot is not enclosed in the affidavit envelope, the commissioner shall immediately notify the voter of that fact and that the voter's absentee ballot shall not be counted unless the voter applies for a replacement ballot and returns the replacement ballot in the time permitted under section 53.17, subsection 2. The replacement ballot application shall be the same as is required for an application under section 53.2. If the information on the replacement ballot application matches the information on the original application, the voter shall be allowed to complete a replacement absentee ballot. The same serial number that was assigned to the records of the original absentee ballot application shall be used on the envelope and records of the replacement ballot. The affidavit envelope containing the completed replacement ballot shall be marked "Replacement ballot". The affidavit envelope containing the original ballot shall be marked "Defective ballot" and the replacement ballot and replacement ballot application shall be attached to the original application and affidavit envelope containing the original ballot and shall be stored in a secure place until they are delivered to the absentee and special voters precinct board, notwithstanding sections 53.26 and 53.27.

4. The state commissioner of elections shall adopt rules for implementation of this section.

Sec. 230. Section 53.19, unnumbered paragraph 3, Code 2007, is amended to read as follows:

However, any registered voter who has received an absentee ballot and not returned it may surrender the absentee ballot to the precinct officials and vote in person at the polls. The precinct officials shall mark the uncast absentee ballot "void" and return it to the commissioner. Any registered voter who has been sent an absentee ballot by mail but for any reason has not received it or who has not brought the ballot to the polls may appear at the voter's precinct polling place on election day and shall cast a ballot in accordance with section 49.81. Any registered voter who has been notified by the commissioner pursuant to section 53.18 of the need to correct a deficiency on the affidavit or to apply for and vote a replacement absentee ballot and who has not corrected the deficiency or voted a replacement absentee ballot may appear at the voter's precinct polling place on election day and shall cast a ballot in accordance with section 49.81.

Sec. 231. Section 53.21, unnumbered paragraph 4, Code 2007, is amended to read as follows:

The voter shall enclose one copy of the above statement in the return carrier envelope with the ~~ballot~~ affidavit envelope and retain a copy for the voter's records.

Sec. 232. Section 53.23, subsection 3, Code 2007, is amended to read as follows:

3. a. The commissioner shall set the convening time for the board, allowing a reasonable

amount of time to complete counting all absentee ballots by ten p.m. on election day. The commissioner may direct the board to meet on the day before the election solely for the purpose of reviewing the absentee voters' affidavits appearing on the sealed ~~ballot~~ affidavit envelopes. If in the commissioner's judgment this procedure is necessary due to the number of absentee ballots received, the members of the board may open the sealed ~~ballot~~ affidavit envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope be opened before the board convenes on election day. If the ~~ballot~~ affidavit envelopes are opened before election day, two observers, one appointed by each of the two political parties referred to in section 49.13, subsection 2, shall witness the proceedings.

b. If the board finds any ballot not enclosed in a secrecy envelope and the ballot is folded in such a way that any of the votes cast on the ballot are visible, the two special precinct election officials, one from each of the two political parties referred to in section 49.13, subsection 2, shall place the ballot in a secrecy envelope. No one shall examine the ballot. Each of the special precinct election officials shall sign the secrecy envelope.

Sec. 233. Section 53.24, Code 2007, is amended to read as follows:

53.24 COUNTIES USING VOTING MACHINES.

In counties which provide the special precinct election board with voting machines, the ~~absentee ballot~~ affidavit envelopes shall be opened by the board and the ballots shall, without being unfolded, be thoroughly intermingled, after which they shall be unfolded and, under the personal supervision of precinct election officials of each of the political parties, be registered on voting machines the same as if the absent voter had been present and voted in person, except that a tally of the write-in votes may be kept in the tally list rather than on the machine. When two or more political subdivisions in the county are holding separate elections simultaneously, the commissioner may arrange the machine so that the absentee and provisional ballots for more than one election may be recorded on the same machine.

Sec. 234. Section 53.25, Code 2007, is amended to read as follows:

53.25 REJECTING BALLOT.

~~In case~~ If the absentee voter's affidavit is found to be insufficient, ~~or that if~~ if the applicant is not a duly registered voter in such precinct, ~~or that the ballot envelope is open, or has been opened and resealed, or that if~~ the ballot affidavit envelope contains more than one ballot of any one kind, ~~or that said if the~~ voter has voted in person, such vote shall not be accepted or counted. If the affidavit envelope is open, or has been opened and resealed, or if the ballot is not enclosed in the affidavit envelope, and an affidavit envelope with the same serial number and marked "Replacement ballot" is not attached as provided in section 53.18, the vote shall not be accepted or counted.

If the absentee ballot is rejected prior to the opening of the ~~ballot~~ affidavit envelope, the voter casting the ballot shall be notified by a precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

Sec. 235. Section 53.27, Code 2007, is amended to read as follows:

53.27 REJECTION OF BALLOT — RETURN OF ENVELOPE.

If the ballot is rejected, ~~said ballot~~ the affidavit envelope, with the affidavit of the voter endorsed thereon, shall be returned with ~~said~~ the rejected ballot in the envelope endorsed "Defective ballots".

Sec. 236. Section 53.32, Code 2007, is amended to read as follows:

53.32 BALLOT OF DECEASED VOTER.

When it shall be made to appear by due proof to the precinct election officials that any elector, who has so marked and forwarded a ballot, has died before the ~~ballot~~ affidavit envelope is opened, then the ballot of such deceased voter shall be endorsed, "Rejected because voter is dead", and be returned to the commissioner; but the casting of the ballot of a deceased voter shall not invalidate the election.

Sec. 237. Section 53.38, Code 2007, is amended to read as follows:

53.38 WHAT CONSTITUTES REGISTRATION.

Whenever a ballot is requested pursuant to section 53.39 or 53.45 on behalf of a voter in the armed forces of the United States, the affidavit upon the ~~ballot~~ affidavit envelope of such voter, if the voter is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration under chapter 48A. A completed federal postcard registration and federal absentee ballot request form submitted by such eligible elector shall also constitute a sufficient registration under chapter 48A. The commissioner shall place the voter's name on the registration record as a registered voter if it does not already appear there.

Sec. 238. Section 53.40, unnumbered paragraph 5, Code 2007, is amended to read as follows:

If the affidavit on the ~~ballot~~ affidavit envelope shows that the affiant is not a qualified voter on the day of the election at which the ballot is offered for voting, the envelope shall not be opened, but the envelope and ballot contained in the envelope shall be preserved and returned by the precinct election officials to the commissioner, who shall preserve them for the period of time and under the conditions provided for in sections 50.12 through 50.15 and section 50.19.

Sec. 239. Section 53.44, unnumbered paragraph 1, Code 2007, is amended to read as follows:

The affidavit on the affidavit envelope used in connection with voting by absentee ballot under this division by members of the armed forces of the United States need not be notarized or witnessed, but the affidavit on ~~the ballot~~ such envelope shall be completed and signed by the voter.

DIVISION X  
CORRECTIVE PROVISIONS

Sec. 240. Section 8.65, subsection 1, paragraph a, subparagraph (6), if enacted by 2007 Iowa Acts, Senate File 155,<sup>44</sup> is amended to read as follows:

(6) One member representing the councils of governments appointed by the president of the Iowa association of regional councils ~~of government~~.

Sec. 241. Section 35A.15, subsection 2, if enacted by 2007 Iowa Acts, Senate File 407,<sup>45</sup> section 1, is amended to read as follows:

2. The home ownership assistance program is established to continue the program implemented pursuant to 2003 Iowa Acts, chapter 179, section 21, subsection 5, as amended by 2005 Iowa Acts, chapter 161, section 1, and as amended by 2005 Iowa Acts, chapter 115, section 37, and continued in accordance with 2006 Iowa Acts, chapter 1167, sections 3 and 4, and other appropriations.

Sec. 242. Section 48A.7A, subsection 4, paragraph b, as enacted by 2007 Iowa Acts, House File 653,<sup>46</sup> section 2, is amended to read as follows:

b. The form of the written oath required of a person attesting to the identity and residency of the registrant shall read as follows:

I, \_\_\_\_\_ (name of registered voter), do solemnly swear or affirm all of the following:

I am a preregistered voter in this precinct or I registered to vote in this precinct today, and a registered voter did not sign an oath on my behalf.

I am a resident of the \_\_\_\_\_ precinct, \_\_\_\_\_ ward or township, city of \_\_\_\_\_, county of \_\_\_\_\_, Iowa.

<sup>44</sup> Chapter 117, §2 herein

<sup>45</sup> Chapter 87 herein

<sup>46</sup> Chapter 35 herein

<sup>50</sup> Chapter 10 herein

Sec. 247. Section 147.98, Code 2007, as amended by 2007 Iowa Acts, Senate File 74,<sup>51</sup> section 71, is amended to read as follows:

147.98 EXECUTIVE DIRECTOR OF THE BOARD OF PHARMACY.

The board of pharmacy may employ a full-time executive director, who shall not be a member of the ~~examining~~ board, at such compensation as may be fixed pursuant to chapter 8A, subchapter IV, but the provisions of section 147.22 providing for a secretary for each ~~examining~~ board shall not apply to the board of pharmacy.

Sec. 248. Section 148.10, unnumbered paragraph 1, Code 2007, as amended by 2007 Iowa Acts, Senate File 74,<sup>52</sup> section 95, is amended to read as follows:

The board may, in ~~their~~ its discretion, issue a temporary certificate authorizing the licensee to practice medicine and surgery or osteopathic medicine and surgery in a specific location or locations and for a specified period of time if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the license, which shall be substantially equivalent to those required for licensure under this chapter or chapter 150A, as the case may be. The board shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure are mandatory for this temporary license except as specifically designated by the board. The granting of a temporary license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure or that the board in any way is obligated to so license the person.

Sec. 249. Section 150A.3, subsection 1, paragraph c, Code 2007, as that section is amended by 2007 Iowa Acts, Senate File 74,<sup>53</sup> section 115, is amended to read as follows:

c. Present to the Iowa department of public health satisfactory evidence that the applicant has completed one year of internship or resident training in a hospital approved for such training by the ~~medical examiners~~ board.

Sec. 250. Section 151.12, unnumbered paragraph 1, Code 2007, as amended by 2007 Iowa Acts, Senate File 74,<sup>54</sup> section 125, is amended to read as follows:

The board may, in its discretion, issue a temporary certificate authorizing the licensee to practice chiropractic if, in the opinion of the ~~chiropractic examiners~~ board, a need exists and the person possesses the qualifications prescribed by the board for the license, which shall be substantially equivalent to those required for licensure under this chapter. The board shall determine in each instance those eligible for this license, whether or not examinations shall be given, the type of examinations, and the duration of the license. No requirements of the law pertaining to regular permanent licensure are mandatory for this temporary license except as specifically designated by the board. The granting of a temporary license does not in any way indicate that the person so licensed is eligible for regular licensure or that the board is obligated to so license the person.

Sec. 251. Section 154.1, unnumbered paragraph 3, Code 2007, as amended by 2007 Iowa Acts, Senate File 74,<sup>55</sup> section 142, to be subsection 4, is amended to read as follows:

4. Therapeutically certified optometrists may employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of conditions of the human eye and adnexa pursuant to this ~~paragraph~~ subsection, excluding the use of injections other than to counteract an anaphylactic reaction, and notwithstanding section 147.107, may without charge supply any of the above pharmaceuticals to commence a course of therapy. Therapeutically certified optometrists may prescribe oral steroids for a period not to exceed fourteen days without consultation with a primary care physician. Therapeutically certified optometrists shall not prescribe oral Imuran or oral Methotrexate. Therapeutically certified optometrists may be authorized, where reasonable and appropriate, by rule of the board, to employ

<sup>51</sup> Chapter 10 herein

<sup>52</sup> Chapter 10 herein

<sup>53</sup> Chapter 10 herein

<sup>54</sup> Chapter 10 herein

<sup>55</sup> Chapter 10 herein

new diagnostic and therapeutic pharmaceutical agents approved by the United States food and drug administration on or after July 1, 2002, for the diagnosis and treatment of the human eye and adnexa. The board shall not be required to adopt rules relating to topical pharmaceutical agents, oral antimicrobial agents, oral antihistamines, oral antiglaucoma agents, and oral analgesic agents. Superficial foreign bodies may be removed from the human eye and adnexa. The therapeutic efforts of a therapeutically certified optometrist are intended for the purpose of examination, diagnosis, and treatment of visual defects, abnormal conditions, and diseases of the human eye and adnexa, for proper optometric practice or referral for consultation or treatment to persons licensed under chapter 148 or 150A. A therapeutically certified optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board to use the agents and procedures authorized pursuant to this ~~paragraph~~ subsection. A therapeutically certified optometrist shall be provided with a distinctive certificate by the board which shall be displayed for viewing by the patients of the optometrist.

Sec. 252. Section 154.3, subsection 5, Code 2007, as amended by 2007 Iowa Acts, Senate File 74,<sup>56</sup> section 143, is amended to read as follows:

5. A person applying to be licensed as an optometrist after January 1, 1986, shall also apply to be a therapeutically certified optometrist and shall, in addition to satisfactorily completing all requirements for a license to practice optometry, satisfactorily complete a course as defined by rule of the board with particular emphasis on the examination, diagnosis, and treatment of conditions of the human eye and adnexa provided by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation of the United States office of education, and approved by the board. The rules of the board shall require a course including a minimum of forty hours of didactic education and sixty hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa. The board may also, by rule, provide a procedure by which an applicant who has received didactic education meeting the requirements of rules adopted pursuant to this subsection at an approved school of optometry may apply to the board for a waiver of the didactic education requirements of this subsection.

Sec. 253. Section 284.8, subsection 4, if enacted by 2007 Iowa Acts, Senate File 277,<sup>57</sup> section 32, is amended to read as follows:

4. A teacher who is not meeting the applicable standards and criteria based on a determination made pursuant to subsection 3 2 shall participate in an intensive assistance program.

Sec. 254. Section 499.47, subsection 3, Code 2007, as amended by 2007 Iowa Acts, Senate File 319,<sup>58</sup> section 5, is amended to read as follows:

3. Upon the expiration or voluntary dissolution of an association, the members shall designate three of their number as trustees to replace the officers and directors and wind up its affairs. The trustees shall have all the powers of the board, including the power to sell and convey real or personal property and execute conveyances. Within the time fixed in their designation, or any extension of that time, the trustees shall liquidate the association's assets, pay its debts and expenses, and distribute remaining funds among the members. Upon distribution of remaining assets the association shall stand dissolved and cease to exist. The trustees shall make and sign a duplicate report of the dissolution. ~~One copy of the~~ The report shall be filed with the secretary of state.

Sec. 255. Section 513B.2, subsection 6, paragraph a, subparagraph (4), unnumbered paragraph 1, as enacted by 2007 Iowa Acts, House File 790,<sup>59</sup> section 4, is amended to read as follows:

The coverages are provided by a policy of group health insurance coverage through two or

<sup>56</sup> Chapter 10 herein

<sup>57</sup> Chapter 108 herein

<sup>58</sup> Chapter 23 herein

<sup>59</sup> Chapter 57 herein



more bona fide associations as provided in section 509.1, subsection 7A, which a small employer carrier has aggregated as a distinct grouping that meets the requirements for a class of business under section 513B.4. After a distinct grouping of bona fide associations is established as a class of business, the small group employer carrier shall not remove a bona fide association from the class based on the claims experience of that association. A small employer carrier may condition coverages under such a policy of group health insurance coverage on any of the following requirements:

Sec. 256. Section 515.82, Code 2007, as amended by 2007 Iowa Acts, Senate File 518,<sup>60</sup> section 61, is amended to read as follows:

515.82 SHORT RATES.

The commissioner of insurance shall prepare and promulgate tables of the short rates provided for in sections ~~514.125~~ 515.125 and 515.126, for the various kinds and classes of insurance governed by the provisions of this chapter, which, when promulgated, shall be for the guidance of all companies covered in this chapter and shall be the rate to be given in any notice therein required. No company shall discriminate unfairly between like assureds in the rate or rates so provided.

Sec. 257. Section 715.6, Code 2007, as amended by 2007 Iowa Acts, Senate File 333,<sup>61</sup> if enacted, is amended to read as follows:

715.6 EXCEPTIONS.

Sections 715.4 and 715.5 shall not apply to the monitoring of, or interaction with, an owner's or an operator's internet or other network connection, service, or computer, by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service for network or computer security purposes, diagnostics, technical support, maintenance, repair, authorized updates of computer software or system firmware, authorized remote system management, or detection, criminal investigation, or prevention of the use of or fraudulent or other illegal activities prohibited in this chapter in connection with a network, service, or computer software, including scanning for and removing computer software prescribed under this chapter. Nothing in this chapter shall limit the rights of providers of wire and electronic communications under 18 U.S.C. § 2511.

Sec. 258. 2006 Iowa Acts, chapter 1106, section 1, subsection 5, paragraph c, as amended by 2007 Iowa Acts, Senate File 272,<sup>62</sup> section 112, is amended to read as follows:

c. Grants for veterans injured after September 11, 2001, but prior to the effective date of this section of this Act shall be payable, upon a showing that the veteran would have been eligible for payment had the injury occurred on or after the effective date of this section of this Act.

Sec. 259. 2007 Iowa Acts, House File 579,<sup>63</sup> section 3, the bill section amending clause, is amended to read as follows:

SEC. 3. Section 805.6, subsection 1, paragraph a, unnumbered paragraph 3, Code 2007, is amended to read as follows:

Sec. 260. 2007 Iowa Acts, Senate File 74,<sup>64</sup> section 43, is repealed.

Sec. 261. 2007 Iowa Acts, Senate File 403,<sup>65</sup> section 29, if enacted, is amended to read as follows:

SEC. 29. EFFECTIVE DATE. The sections of this division of this Act enacting section 268.6 and amending section ~~534B.54~~ 543B.54 take effect July 1, 2007.

<sup>60</sup> Chapter 152 herein

<sup>61</sup> Chapter 126, §108 herein

<sup>62</sup> Chapter 22 herein

<sup>63</sup> Chapter 33 herein

<sup>64</sup> Chapter 10 herein

<sup>65</sup> Chapter 206 herein

Sec. 262. 2007 Iowa Acts, Senate File 535,<sup>66</sup> section 44, subsection 1, unnumbered paragraph 1, is amended to read as follows:

If 2007 Iowa Acts, House File 716<sup>67</sup> is enacted, notwithstanding section 4-1 4.8, all of the following apply:

*Approved May 29, 2007, with exceptions noted.*

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 601, an Act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing and reducing appropriations, providing for salaries and compensation of state employees, providing for tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date provisions. Senate File 601 is approved this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 28 in its entirety. I am unable to approve this item because it requires the Supreme Court to submit a detailed listing of requested increases in salaries of all judges and magistrates annually before December 1. This designated language runs counter to budget guidelines which ask that departments or agencies not include salary increases in their budget requests. Furthermore, this provision could impact the collective-bargaining process by requiring the Supreme Court to submit salary changes prior to the completion of collective bargaining.

I am unable to approve the item designated as Section 42 in its entirety. This provision appropriates \$150,000 from the General Fund for a Fiscal Year 2007 supplemental appropriation to the Department of Natural Resources for a feasibility study on the use of plasma arc technology for the disposal of solid waste. I recommend that an application for funds for such a study be made through the Iowa Power Fund because it is important to determine the feasibility of plasma arc technology. The Iowa Power Fund Board needs to provide the proper due diligence to review this and other technologies to fulfill its mission to expand sources of alternative energy.

I am unable to approve the item designated as Section 43 in its entirety. This provision requires the director of a department or state agency who is subject to a requirement to develop a telecommuter employment policy to also develop such a policy and plans in conjunction with representatives of the collective bargaining units of the affected employees. Departmental telecommuting policies and procedures have been in place for several years and are well established. I will direct the Department of Administrative Services and the Department of Management to review the current state government telecommuting policy and make recommendations for any improvements as part of our overall executive branch strategic planning process.

I am unable to approve the item designated as Section 48 in its entirety. This provision increases the Department of Transportation's operations budget by \$16,800. This additional funding is no longer needed by the Department of Transportation.

I am unable to approve the item designated as Section 49 in its entirety. This provision increases the appropriation for the Department of Transportation's operations budget by \$103,200. This additional funding is no longer needed by the Department of Transportation.

<sup>66</sup> Chapter 41 herein

<sup>67</sup> Chapter 30 herein

I am unable to approve the item designated as Section 56 in its entirety. This provision creates a standing appropriation for the World Food Prize of \$1,000,000 annually. While I strongly support the World Food Prize, I do not believe this appropriation should be a standing appropriation not subject to annual review. This appropriation should be reviewed annually during the budgetary process. Further, I would encourage greater private sector contributions for this program.

I am unable to approve the item designated as Section 57 in its entirety. This provision statutorily creates the World Food Prize Youth Institute. While I strongly support this program, it is already in existence and does not need to receive statutory commitment.

I am unable to approve the item designated as Section 59 in its entirety. This designated provision expands the Community Attraction and Tourism Program from Fiscal Year 2011 through Fiscal Year 2013 and raises the maximum multi-year commitment to an applicant from \$4 million to \$6 million. Despite this designated language, the Community Attraction and Tourism Program is still authorized for another three years with a total remaining appropriation of \$36 million. I strongly support attracting tourism to our state and want to work with community and business leaders and the Legislature to develop improvements to this program or create a new program before the current program expires in Fiscal Year 2010. I am unable to support a new commitment for additional out-year spending until I have been able to evaluate this program more fully. Furthermore, I do not believe the maximum multi-year commitment to an applicant should be increased because it would reduce the number of projects and communities that can participate in this program.

I am unable to approve the item designated as Section 80 in its entirety. This provision specifies that the reimbursement rate for use of personal vehicles while on state business must fall within a range of not less than 90.0% or more than 110.0% of the maximum allowable under the federal Internal Revenue Service rules. I believe the authority to determine this rate should remain with the Director of the Department of Administrative Services, and this language would establish a large unfunded mandate on state agencies. I also do not want to set the precedent of making a statutory tie to federal rates and remove this matter from the discretion of the Department of Administrative Services. I recognize the impact that rising fuel costs have on state government employees, and I will direct the Director of the Department of Administrative Services to develop more effective policies to encourage state government employees to use fuel-efficient state vehicles more frequently.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 601 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

**CHAPTER 216****APPROPRIATIONS — TRANSPORTATION***H.F. 752*

**AN ACT** relating to and making transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund, and related matters.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. ROAD USE TAX FUND. There is appropriated from the road use tax fund to the department of transportation for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. For the payment of costs associated with the production of driver's licenses, as defined in section 321.1, subsection 20A:

..... \$ 3,047,000

Notwithstanding section 8.33, unencumbered or unobligated funds remaining on June 30, 2008, from the appropriation made in this subsection shall not revert, but shall remain available for subsequent fiscal years for the purposes specified in this subsection.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Operations:

..... \$ 6,237,000

b. Planning:

..... \$ 470,000

c. Motor vehicles:

..... \$ 33,347,113

3. For payments to the department of administrative services for utility services:

..... \$ 145,000<sup>1</sup>

4. Unemployment compensation:

..... \$ 17,000

5. For payments to the department of administrative services for paying workers' compensation claims under chapter 85 on behalf of employees of the department of transportation:

..... \$ 108,000

6. For payment to the general fund of the state for indirect cost recoveries:

..... \$ 102,000

7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:

..... \$ 60,988

8. For automation, telecommunications, and related costs associated with the county issuance of driver's licenses and vehicle registrations and titles:

..... \$ 1,832,000

9. For transfer to the department of public safety for operating a system providing toll-free telephone road and weather conditions information:

..... \$ 100,000

10. For costs associated with the participation in the Mississippi river parkway commission:

..... \$ 40,000

11. For membership in the North America's superhighway corridor coalition:

..... \$ 50,000

12. For scale maintenance projects at various locations:

..... \$ 100,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2010.

<sup>1</sup> See chapter 215, §50 herein